

§ 207-14 Sewer use and service charges.

A.

Purpose. The wastewater of the City is collected and treated in whole or in part by the Milwaukee Metropolitan Sewerage District (the "District"). The purpose of this section is to enable the City to establish and collect from users within the City those charges which represent the proportionate contribution by such users both to the cost of operating and maintaining the system and that part of the cost of past and future capital improvements in the system not defrayed by an ad valorem tax on real property. Such charges are required to enable the District to become and remain eligible for federal grants for wastewater facility capital improvements.

B.

Incorporation of District rules and regulations.

(1)

The following sections and related appendices of District Rules and Regulations, Chs. 1, 7, 10, 11 and 17, promulgated by the District, as now in effect and as the same may be amended from time to time hereafter are incorporated by reference and shall be of full force and effect as though set forth in their entirety herein:

Chapter or Section Number	Title		
Ch. 1	Definitions	(2) For purposes hereof, "residential structure," as defined in District Rules and Regulations, Ch. 17, shall mean any building accommodating exclusively one or two residential units.	
Ch. 7	Approval of Sewer Plan		
Ch. 10	Basic Date for Sewer Design		
Ch. 11	Industrial Wastes		
Sec. 17.102	Definitions		
Sec. 17.104(1)	Municipal Transfer of Date		
Sec. 17.104(2)	Estimated Volume of Discharge		
Sec. 17.105(1)	User Transfer of Data		
Sec. 17.105(2)	Discharge Factor Certification		
Sec. 17.105(3)	Waste Strength Certification		
Sec. 17.105(4)	Certification Procedures	C. User charges. There is hereby imposed a charge on each user in the City who discharges wastewater, directly or indirectly, into the wastewater system operated by the District. Such charge shall be in the amount specified below for the various classes of users.	
Sec. 17.105(5)	Verification		
Sec. 17.105(6)	Audit Control of User Connections		
Sec. 17.105(7)	Appeal Provision		
Sec. 17.201	Purpose of the User Charge System		
Sec. 17.202	User Charge Billing Basis		
Sec. 17.203	Wholesale User Charge Billing Basis		
Sec. 17.204	Unit Costs of Treatment		
			(1) Residential users. The residential user charge shall be based on a uniform charge as follows: The uniform charge for each residential unit shall be calculated by dividing the wholesale

Sec. 17.301	Purpose of the Local Capital Cost Recovery (ICR) System	residential user charge (i.e., the charge by the District to the City), excluding connection charges, by the number of residential units in the City. Individual residential user charges shall be calculated as the user's number of residential structures times the connection charge.
Sec. 17.302	LCR Billing Basis	
Sec. 17.303	Wholesale LCR Billing Basis	
Sec. 17.304	Unit Costs of LCR	
Sec. 17.401	Purpose of the Industrial Cost Recovery (ICR) System	
Sec. 17.402	ICR Billing Basis	
Sec. 17.403	Wholesale ICR Billing Basis	
Sec. 17.404	Unit Costs of ICR	
Sec. 17.405	Retail ICR Billing Basis	
Sec. 17.501	Industrial Waste Program Cost Recovery System	
Sec. 17.502	Administrative Program Costs	
Sec. 17.503	Monitoring Program Costs	

shall be calculated by dividing the wholesale noncertified commercial user charge (i.e., the charge by the District to the City), excluding connection charges, by the total volume of noncertified commercial water consumption. Individual noncertified commercial user charges shall be calculated by multiplying the user's volume of water consumption times this volumetric charge plus the users number of service connections times the connection charge.

(3)

Discharge certified commercial users. Each retail discharge certified commercial user charge shall be equal to each wholesale discharge certified commercial user charge submitted to the City pursuant to District Rules and Regulations, Ch. 17.

(4)

Wastestrength certified commercial users. Each retail wastestrength certified commercial user charge shall be equal to each wholesale wastestrength certified commercial user charge submitted to the City pursuant to District Rules and Regulations, Ch. 17.

(5)

Noncertified industrial users. Each retail noncertified industrial user charge shall be equal to each wholesale noncertified industrial user charge submitted to the City pursuant to District Rules and Regulations, Ch. 17.

(6)

Discharge certified industrial users. Each retail discharge certified industrial user charge shall be equal to each wholesale discharge certified industrial user charge submitted to the City pursuant to District Rules and Regulations, Ch. 17.

(7)

Wastestrength certified industrial users. Each retail wastestrength certified industrial user charge shall be equal to each wholesale wastestrength certified industrial user charge submitted to the City pursuant to District Rules and Regulations, Ch. 17.

D.

Local capital recovery charges. There is hereby imposed a local capital recovery (LCR) charge on each industrial user in the City whose function is described by the Standard Industrial Classification (SIC) Division D ("LCR user"). The LCR charge shall be in the amount specified below for the various classes of LCR users:

(1)

Noncertified industrial users. Each retail noncertified industrial LCR charge shall be equal to each wholesale noncertified industrial LCR charge submitted to the City pursuant to District Rules and Regulations, Ch. 17.

(2)

Discharge certified industrial users. Each retail discharge certified industrial LCR charge shall be equal to each wholesale discharge certified LCR charge submitted to the City pursuant to District Rules and Regulations, Ch. 17.

(3)

Wastestrength certified industrial users. Each retail wastestrength certified industrial LCR charge shall be equal to each wholesale wastestrength certified industrial LCR charge submitted to the City pursuant to District Rules and Regulations, Ch. 17.

E.

Industrial cost recovery charges. There is hereby imposed an industrial cost recovery (ICR) charge on each ICR user (as defined in District Rules and Regulations, Ch. 17) in the City. The ICR charge shall be in the amount specified below for the various classes of ICR users.

(1)

Noncertified industrial users. Each retail noncertified industrial ICR charge shall be equal to each wholesale noncertified industrial ICR charge submitted to the City pursuant to District Rules and Regulations, Ch. 17.

(2)

Discharge certified industrial users. Each retail discharge certified industrial ICR charge shall be equal to each wholesale discharge certified industrial ICR charge submitted to the City pursuant to District Rules and Regulations, Ch. 17.

(3)

Wastestrength certified industrial users. Each retail wastestrength certified industrial ICR charge shall be equal to each wholesale wastestrength certified industrial ICR charge submitted to the City pursuant to District Rules and Regulations, Art. VII.

F.

Billing.

(1)

Bills for user. LCR and ICR charges are rendered quarterly and become due and payable on the first of the month following the period for which service is rendered. A late payment charge of 1% per month will be added to bills not paid within 20 days of issuance. This late payment charge will be applied to the total charges. The late payment charge is applicable to all customers.

(2)

All bills shall be payable at the office of the City Treasurer, 9229 W. Loomis Rd., Franklin, Wisconsin, 53132.

(3)

If a user fails to certify data or a user's certification is materially inaccurate or if there has been a substantial change in data since the date of the user's last certification, the District shall notify the user that the verification data determined by the District pursuant to § 17.105(5) of District Rules and Regulations, Ch. 17, shall be used to determine the charge due for the current billing period and all future billing periods until the user submits a new certified statement.

(4)

Should inspection or verification by the District reveal that any statement certified by a user is materially inaccurate, the District shall redetermine the proper charge due and forward the new computation to the City in order that a bill for the deficiency may be sent. This deficiency billing shall be retroactive to the date or dates when the bills based upon the inaccurate certification were originally due, and interest charges shall be applied to each deficiency as provided Subsection F(1) above.

(5)

Unpaid user, LCR and ICR charges shall be a lien upon the property served and shall be enforced as provided in § 66.0821(4)(c), Wis. Stats.

[Amended 3-5-2002 by Ord. No. 2002-1708]

(6)

Any person who violates, disobeys, omits, neglects or refuses to comply with any action required pursuant to District Rules and Regulations, Ch. 17, shall be subject to a forfeiture of not less than \$10 nor more than \$200 for each offense, together with the cost of prosecution. Each day that a violation continues to exist shall constitute a separate offense. Such forfeitures are in addition to the user, LCR and ICR charges due the City.

G.

Local sewerage charges.

(1)

In addition to the charges imposed pursuant to Subsections A through F above with respect to the usage of the wastewater system of the District, the City is also empowered, pursuant to § 66.0821(4)(a), Wis. Stats., to establish and impose sewer charges necessary to meet the capital and operating and maintenance expenses of its local sewer system. Such charges are imposed and governed by Subsection H below. This subsection shall not replace and repeal any other subsection except to the extent of direct conflict therewith.

[Amended 3-5-2002 by Ord. No. 2002-1708]

(2)

The local user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance, including replacement associated with financing the collection system, which the City may, by ordinance, designate to be paid by the local user charge system. That portion of the total local user charge which is designated for operation and maintenance, including replacement of the collection system, shall be established by this subsection.

(3)

That portion of the total user charge collected which is designated for operation and maintenance, including replacement purposes as established in Subsection H(3) below, shall be deposited in a separate nonlapsing fund known as the "Local Operation, Maintenance and Replacement Fund," and will be kept in two primary accounts as follows:

(a)

An account designated for the specific purpose of defraying operation and maintenance costs, excluding replacement of the collection system (Operation and Maintenance Account).

(b)

An account designated for the specific purpose of ensuring replacement needs over the useful life of the collection system (Replacement Account).

(4)

Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year and shall be used for no other purposes than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the local user charge rates for operation, maintenance and replacement. The

local user charge rate shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed.

H.

Local operation and maintenance charges.

(1)

Definitions. For the purpose of this subsection, the following defined terms shall apply:

INDUSTRIAL WASTES

Those particular liquid or other wastes resulting from any process of industry, manufacture, trade or business or the development of any natural resource.

LOCAL OPERATION AND MAINTENANCE COSTS

All costs, direct and indirect, not including debt service but inclusive of expenditures attributable to administration, replacement of equipment and collection of wastewaters, necessary to ensure adequate wastewater collection on a continuing basis which conforms to applicable regulations and assures optimal long-term facility management.

LOCAL USER CHARGE SYSTEM

The system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection facilities.

REPLACEMENT

The expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

SEWAGE

The water-carried waste created in and to be conducted away from residences, industrial, commercial and business premises, public buildings (as defined in § 101.01, Wis. Stats.) and other structures and premises.

SEWERAGE SERVICE

The use of land benefit from the sewerage system, including the collection, transportation, pumping, treatment and final disposition of sewage.

SEWERAGE SYSTEM

All street lateral, main and intercepting sewers and structures by which sewage or industrial waste is collected, transported and treated by the Milwaukee Metropolitan Sewerage District. This shall not include plumbing inside or in connection with buildings served or service sewers from a building to the street lateral.

(2)

Industrial wastes; deleterious sewage.

(a)

No industrial wastes shall be discharged, either directly or indirectly, into the sewerage system without the prior written approval of the Council; no sewage, including industrial wastes, shall contain any substance which is deemed deleterious by the City Engineer to the operation of the sewerage system nor shall any sewage be discharged into the sewerage system the discharge of which into the sewers controlled by the Metropolitan Sewerage District is prohibited by the provisions of Ch. 11 of the Rules of the Milwaukee Metropolitan Sewerage District.

(b)

If a user of the sewerage system discharges prohibited sewerage, he or she shall be given written notice to cease

the prohibited discharge. If after the 10 days' notice such user continues the prohibited discharge, he or she shall be subject, upon conviction, to a forfeiture of not less than \$5, nor more than \$50. Each day in which such violation continues to exist shall be deemed a separate violation.

(c)

The City Engineer, being guided by the standards adopted in Ch. 11 of the Rules of the Milwaukee Metropolitan Sewerage District, may require the owner, operator or tenant of any industrial plant or other establishment discharging or proposing a discharge of industrial wastes into the sewerage system to provide at such user's expense such preliminary treatment or handling facilities as may be necessary to reduce or to modify the objectionable characteristics or constituents of such industrial wastes or to control the quantity and rate of discharge of such industrial wastes; provided, however, that the Council may direct that industrial wastes be accepted without pretreatment or other handling by the industrial users of the sewerage system and may provide in lieu thereof for any additional cost of the City's acceptance of such untreated sewage.

(d)

No person shall transfer septage from septic tanks or holding tanks into any manhole, appurtenance or branches tributary to the City sewer system.

(e)

Grease, oil and sand interceptors shall be provided by the industrial discharge and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharge shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the City. Any removal and hauling of the collected materials not performed by the discharger's personnel must be performed by currently licensed disposal firms.

(3)

Sewerage service charges; rates.

(a)

A sewerage service charge is hereby imposed upon each lot, parcel of land, building or premises served by the sewerage system or otherwise discharging sewage, including industrial wastes, into the sewerage system. Such sewerage service charge shall be payable as hereinafter provided and shall be on a family unit basis for residential lots, parcels of land, building or premises and for industrial, business and commercial lots, parcels of land, building or premises shall be based on a percentage of the user charge established by the Milwaukee Metropolitan Sewerage District. This percentage figure shall be calculated with the local sewer system expenses as a numerator and the Milwaukee Metropolitan charges as the denominator. Revenue for sanitary sewer capital improvements is generated and funded entirely through special assessments against benefitting properties.

(b)

The City shall review rates and give notice to users as follows:

[1]

The City shall review annually the wastewater contribution of its users and readjust as necessary its revenue system to cover actual costs.

[2]

The City shall maintain a proportional distribution of its operation, maintenance and replacement costs among the various user classes and shall generate sufficient revenue to pay the total operation, maintenance and replacement.

[3]

The users shall be notified annually of the charges attributable to wastewater treatment services and charges attributable to the collection system.

[4]

The user charges set forth herein preempt any other agreements inconsistent with the conforming regulations of

this program.

[5]

Any user who believes to have been adversely affected by an action taken by the City pertaining to cost recovery procedures may file a written appeal with the City Council within 10 days of receipt of written notice of such action. If the appeal relates to charges, payment of the charges shall be a condition precedent to the appeal. The City Council shall review the appeal and render a written decision to the user within 10 days of receipt of the appeal, unless a longer period is stipulated to by the parties. The decision shall be final, subject to further appeal in the manner prescribed by law. The appeal shall clearly set forth the issue sought to be reviewed, the interest of the user and the reasons why the action appealed should be modified. The user may present evidence in support of the allegations made in the appeal.

(4)

Surcharge for illegal clear water connections. Any customer of the Franklin sewer system who maintains an illegal clear water connection thereto shall, after a ninety-day notice to disconnect, pay a surcharge of 100% of his or her regular sewer service charge, and such surcharge shall be retroactive to the date of notification. Such surcharge shall be without prejudice to the right of the City to compel disconnection and to charge the cost against the property as a special tax.

(5)

Discharge of clear water into sanitary sewer system is prohibited.

(a)

The discharge of clear water into the sanitary sewer system is prohibited and is to be eliminated.

(b)

The inspection officers of the City are hereby authorized and directed to make such inspections as are necessary to determine where clear water connections or clear water infiltration exists. In making such inspections, they are authorized and directed to obtain special inspection warrants under the provisions of §§ 66.0119 and 66.0119(3), Wis. Stats.

[Amended 3-5-2002 by Ord. No. 2002-1708]

(c)

Abatement. Upon determining that a clear water connection, or clear water infiltration exists, City inspection officers are authorized and directed to issue appropriate orders to abate, correct or eliminate such connection or infiltration within a reasonable time, not to exceed 90 days. This order shall be sent to the owner by certified mail, at the address shown on the tax roll. The owner has the right to appeal such order to the City Council within 10 days from the date of mailing. The City Council shall hold a public hearing on such appeal within 10 days from receipt of the appeal. The Council shall have the authority to affirm, modify or reverse the order appealed from. The owner shall have the right to appeal the Council's decision by certiorari. A commenced order shall be final and may be implemented by mandatory injunction or other appropriate legal means.

(6)

Billing.

(a)

Bills for the local user charge are rendered quarterly and become due and payable on the first of the month following the period for which service is rendered. A late payment charge of 1% per month will be added to bills not paid within 20 days of issuance. This late payment charge will be applied to the total charges. The late payment charge is applicable to all customers.

(b)

All bills shall be payable at the office of the City Treasurer, 9229 W. Loomis Rd., Franklin, Wisconsin, 53132. The provision of a status report with regard to municipal water, sewer and public fire protection charges against a property shall be accompanied by a fee payment of \$5 for the provision of each such report per property billing to defray the municipal costs of providing same.

[Amended 12-17-2002 by Ord. No. 2002-1737]

(c)

Where sewerage service is provided for less than a calendar quarter, the charge for such lesser period shall be a portion of the quarterly charge computed as follows: 1/3 of the quarterly charge shall be charged for each calendar month in which service is provided on or after the 16th day of such month. Sewerage service shall be deemed to have been provided on and after the date on which the lateral connection to the sewerage system is finally inspected and approved by the Plumbing Inspector or other officer charged with the responsibility of so doing.

(d)

All charges established by or pursuant to this section shall be a lien upon the property served, pursuant to § 66.0821(4)(c), Wis. Stats., and shall be collected in the manner therein provided.

[Amended 3-5-2002 by Ord. No. 2002-1708]

(e)

The amounts received from the collection of the charges authorized by this subsection shall be credited to the sanitary sewage account, which shall show all receipts and expenditures of the sewerage system. When appropriated by the Council, the credits to such account shall be available for the payment of the requirements for operation, maintenance, repairs and depreciation of the sewerage system. Any surplus in such account shall be available for the payment of principal and interest of bonds issued and outstanding or which may be issued to provide funds for such sewerage system or part thereof and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the Council may, by resolution, pledge such surplus or any part thereof for any such purposes.