

CHAPTER 21

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WATER UTILITY

21.01 **RULES, REGULATIONS, AND CHARGES, WATER POLLUTION CONTROL.**
(Amd. GO 33-93) (Effective January 1, 1994)

(1) PURPOSES AND SCOPE.

(a) The City, in cooperation with the Green Bay Metropolitan Sewerage District, has provided facilities for collection, transmission, and treatment of sewage to promote the health, safety, and convenience of its people and to safeguard the water resources common to all.

(b) The Common Council has determined that it is the obligation of the producers of domestic and industrial wastes to defray the cost of services rendered by the City and the Metropolitan Sewerage District in the collection, transmission, and treatment of such wastes in an equitable manner, and insofar as it is practicable, in proportion to the cost of providing such services to respective users.

(c) Proper protection and operation of collection and treatment facilities may require either the exclusion, pretreatment, or controlled discharge, at point of origin, of certain types or quantities of domestic and industrial wastes.

(2) DEFINITION OF TERMS.

(a) Abnormal Sewage. Any sewage having a five-day BOD, suspended solids, phosphorous, or TKN content which is, in the judgment of the Director of Public Works, significantly in excess of or below that found in normal sewage but is otherwise acceptable in the GBMSD and District sewerage system.

(b) Approving Authority. The Director of Public Works or a duly authorized deputy, agent, or representative.

(c) Biochemical Oxygen Demand (BOD). The quantity of oxygen expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20°C. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods."

(d) Debt Service Costs. All costs associated with repayment of debt(s) incurred for the construction and/or rehabilitation of the sewerage system.

(e) District. The Green Bay Sanitary District.

(f) Domestic Waste. The waste normally emanating from residential living units and resulting from day-to-day activities carried on in a domicile. Wastes emanating from other users which are to be considered domestic waste shall be of the same nature and strength and have the same flow rate characteristics.

(g) GBMSD. The Green Bay Metropolitan Sewerage District.

(h) Industrial Waste. Any solid or liquid substance discharged, permitted to flow, or escaping from any industrial manufacturing, commercial, or business establishment or process or from the development, recovery, or processing of any natural resources.

(i) Monitored Users. Monitored users shall consist of those users having sewage discharge volumes in excess of 488,000 cubic feet per year or users determined by the Director of Public Works to be producers of sewage that is, in the Director's judgment, abnormal sewage and requiring monitoring.

(j) Non-Monitored Users. Non-monitored users shall consist of those users determined by the Director of Public Works to be dischargers of normal strength sewage.

(k) Normal Sewage. Domestic and industrial wastes in which the daily average concentrations for BOD, suspended solids, phosphorous, and TKN are not more than the daily average concentrations established by resolution by the Common Council.

(l) Operation and Maintenance Costs. All costs associated with the operation and maintenance of the sewerage system, including administration and replacement costs.

(m) Parts Per Million. A weight-to-weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

(n) Person. Any person, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

(o) Phosphorous. Total phosphorous as determined by "Standard Methods."

(p) Public Sewer. A sewer provided by or subject to the jurisdiction of the City or GBMSD.

(q) Replacement Costs. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the sewerage system to maintain the capacity and performance for which such systems were designed and constructed. Operation and maintenance costs include replacement costs.

(r) Residential User. A user discharging domestic wastes from a single- or multi-family dwelling or boarding or lodging house.

(s) Sanitary Sewer. A sewer that conveys sewage and into which storm, surface, and groundwaters or unpolluted industrial wastes are not admitted intentionally.

(t) Sewage. Domestic and industrial wastes.

(u) Sewer Service Charge. A charge levied on users of the sewerage system for the user's proportional share of the cost of operation, maintenance, debt service, and replacement of said system.

(v) Sewerage System and Sewer System. Interchangeable and shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(w) Standard Methods. 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, and the Water Pollution Control Federation.

(x) Suspended Solids. Solids that either float on the surface or are in suspension in water, sewage, or industrial wastes and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods."

(y) Total Kjeldahl Nitrogen (TKN). The sum of free ammonia and organic nitrogen compounds as determined by "Standard Methods."

(3) SEWER SERVICE CHARGE SYSTEM.

(a) Policy. It shall be the policy of the City to obtain sufficient revenues to pay the costs of the operation and maintenance of the sewerage system, including debt service and replacement costs, through a system of sewer service charges as defined in this section. The system shall assure that each user of the sewerage system pays their fair and proportionate share of the cost of such facilities.

(b) Sewer Service Charges Generally. The City shall annually, or from time to time as the Common Council deems necessary, determine the cost of operating and maintaining the City's public sewer system. A service charge shall be the sum of the City's cost of operation and maintenance of the collection system and the treatment charge from GBMSD. The sewer service charge shall consist of a volume charge, or quantity charge, which represents treatment and transportation of waste water and a customer charge which includes the cost of infiltration/inflow and billing preparation. These costs shall be charged proportionally to all users of the sewer system.

(c) Sewer Service Charge. A sewer service charge is hereby levied and assessed upon each lot, parcel of land, building, or premises having a connection to the public sewer system the following charges for sewer service. As hereinafter enumerated, the Common Council shall have the authority to establish such charges by resolution from time to time as may be necessary.

1. Non-Monitored Users. The following schedule of rates or fraction thereof shall be the basis for determining charges to all users, except monitored users, for rendering sanitary sewage service where the sewage produced by such users is normal sewage.

a. Normal Sewage Strength Parameters. The City shall determine annually what the strength of normal domestic waste from its non-monitored users is by subtracting the monitored users loading by parameters over the last five years from the total loading treated by GBMSD over the last five years. The net pounds of BOD, suspended solids, phosphorous, and TKN from the non-monitored users shall be divided by 8.345 and the net billable volume in million gallons from non-monitored users over the last five years to determine the strength of the waste in parts per million. These parameters shall be used to calculate the rate for non-monitored users.

b. Service Charge. The sum of customer charge and volume charge.

c. Customer Charge. The sum of minimum volume charge, billing preparation charge, and infiltration/inflow charge. Minimum volume charge shall be made based on the size of the water meter serving the customer and the following amounts of water or less measured through each meter:

MINIMUM ALLOWANCE – 100 CUBIC FEET

<u>Meter Sizes</u> <u>Inches</u>	<u>Monthly</u> <u>Billed Customers</u>	<u>Quarterly</u> <u>Billed Customers</u>
5/8 or 3/4	1	3
1	3	9
1 – 1/2	5	15
2	10	30
3	20	60
4	30	90
6	65	195
8	170	510
10	250	750

d. Volume Charge. A volume charge consisting of the GBMSD rate and a City rate established by resolution of the Common Council shall be charged to all users based on water used or sewage produced in excess of the minimum allowance as more specifically set forth hereinafter.

(i) Green Bay Metropolitan Sewerage District Rates. The GBMSD rates shall be those unit rates determined and charged to the City by the GBMSD for volume, BOD, suspended solids, phosphorous, and TKN. The GBMSD rates shall be expressed as a rate per 100 cubic feet.

(ii) City rate. The City rate shall be expressed as a rate per 100 cubic feet.

(iii) Volume Rate. The volume rate shall be the combination of the GBMSD rate and the City rate per 100 cubic feet of water, metered or sewage discharged.

(iv) The volume charge for residential users shall be based on the individual user's quarterly water use during the preceding winter quarter ending in the months of February, March, or April as measured by

the water meter. Where any of the succeeding quarterly water usages are less than the winter quarter usage, the volume charge shall be based on the actual water usage for the quarter. Where no preceding winter quarter metered quantity is available from records, the Director of Public Works shall estimate a volume to be used for the volume charge based upon objective criteria including, but not limited to, the use of the property, the size of the structure served, and the size of the meter installed.

(v) The volume charge to all other non-monitored users shall be based on total water use each billing period as measured by the Water Utility with appropriate meters with the provision that if the water does not reach a public sewer, the user will be charged for only that volume reaching a public sewer as determined by a method approved by the Director of Public Works.

2. Monitored Users. The following schedule of rates per month or fraction thereof shall be the basis for determining charges to all monitored users:

- a. Service Charge. The sum of monthly customer charge, quantity charge, and sampling charge.
 - b. Monthly Customer Charge. A monthly customer charge shall be charged each user for administration and infiltration/inflow costs.
 - c. Quantity Charge. A quantity charge consisting of the GBMSD rate and the City rate shall be charged to all users based on the total volume of sewage and quantity of BOD, suspended solids, phosphorous, and TKN produced.
 - d. All monitored users shall have metering and/or sampling as required by the Director of Public Works. Metering and/or sampling shall consist of water meters, automatic sewage flow meters, and/or automatic samplers where, in the opinion of the Director of Public Works Director, such installations are required to determine accurate volume and strength measurements of sewage discharge. Periodic sampling and/or metering may be utilized to determine volume and strength of sewage discharged where such methods give reasonably accurate results in the opinion of the Director of Public Works. Monitored users shall be charged based on the volume of sewage discharged and the quantities of BOD, suspended solids, phosphorous, and TKN in the sewage discharged to a public sewer.
 - e. Sampling Charge. A sampling charge consisting of all costs for personnel, material, and equipment used to collect and analyze samples from a customer's sewage to determine sewage strength shall be billed at cost directly to the user.
- (d) Rate Determinations. The Common Council shall establish by resolution each year the rates referred to in §21.01(3)(c) hereof; and the Common Council shall have the right to amend, modify, adjust, or change the rates at any time as deemed necessary.

(e) Outside Water Sources. If any person discharging sewage into the sewer system obtains water from sources other than the City Water Utility, all or part of which is discharged into the public sewers, that person shall install and maintain any pay for water meters of the type approved by the Water Utility or sewage meters approved by the Director of Public Works for the purpose of determining the volume of sewage discharged to the sewer system. The Director of Public Works shall have the authority to waive the above requirement and bill on the basis of average City-wide residential water consumption.

(f) Provision for Waste Metering.

1. If a person discharging sewage into a public sewer produced evidence satisfactory to the Director of Public Works that water used does not reach a public sewer, such person may request the Director of Public Works for authority to install an appropriate metering device under current policy of the Water Utility and the Department of Public Works, and the volume charges shall be determined by the volume determined to be discharged into a public sewer. No volume charge adjustments will be made in bills rendered prior to installation of appropriate metering devices.

2. Any additional water meter installed shall record only that which does not reach a public sewer. In all cases where additional water meters are installed for the purpose of determining sewage charges, such meters shall be installed and maintained at the expense of the owners. A minimum charge to provide for maintenance, additional reading, and administration shall be charged for each additional meter installed at rates to be established by the Water Utility.

(g) Special Charges. Whenever sewage is discharged causing physical damage to the City's sewerage system and/or which cause the City to incur additional costs, the City may assess a special charge against the appropriate discharger for the work required to repair the facilities and for additional costs. Special charges shall be in addition to the service charges specified herein. The discharger shall make remittance in accordance with the provisions of this ordinance or be subject to late payment charges and penalties herein.

(h) Reassignment of Sewer Users. The Director of Public Works will reassign sewer users into appropriate sewer service charge categories if waste water sampling programs and other related information indicate a change in categories is necessary.

(4) REGULATIONS OF SEWAGE DISCHARGES.

(a) GBMSD Regulations. Sewer Use Ordinance 78-1, as established or amended by the GBMSD relating to the regulation of sewage discharges is hereby adopted and made a part hereof as though fully set forth herein. Sewage discharge regulations received from the GBMSD shall be kept on file in the office of the City Clerk and the office of the Director of Public Works.

(b) Pre-Treatment. Where required or when, in the opinion of the Director of Public Works, constituents that are harmful to the sewer system, processes, or operation of the pollution control works are present in the wastes discharged to the sewer system, the person shall provide, at his/her expense, such preliminary treatment or processing facilities as may be necessary to render the wastes acceptable for admission to the public sewers. When a determination is made by the Director of Public Works, the Director

shall forthwith notify the person required to provide such preliminary treatment stating the specific reasons that such determination has been made.

(c) Submission of Plans. Plans, specifications, and other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted for approval to the Plumbing Inspector and the Director of Public Works prior to the start of their construction.

(5) CONTROL AND MEASUREMENT OF ADMISSIBLE INDUSTRIAL WASTES.

(a) Submission of Basic Data.

1. Persons discharging abnormal sewage to a public sewer shall prepare and file with the Director of Public Works a report that shall include pertinent data relating to the quantity and characteristics of their wastes in accordance with Wisconsin DNR Permit No. WI-0020-001, Part II, Section D - Paragraph 7, within 90 days after being so notified by the Director of Public Works.

2. Similarly, each person desiring to make a new connection to the public sewers for the purpose of discharging industrial wastes shall prepare and file with the Director of Public Works a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged in accordance with Permit No. WI-0020-001. A building permit shall not be issued until such report has been submitted and approved by the Director of Public Works.

(b) Control Manholes.

1. All monitored users, when directed by the Director of Public Works, shall construct and maintain needed control manholes to facilitate observations, measurement, and sampling of the wastes. Control manholes shall be located and built in a manner approved by the Director of Public Works. If measuring devices are to be permanently installed, they shall be of a type approved by the Director.

2. Control manholes and related equipment shall be installed at the expense of the person discharging the waste, and shall be maintained by said person in safe condition, accessible, and in proper operating condition at all times.

(c) Metering of Waste.

1. Devices for metering the volume of waste discharged may be required by the Director of Public Works if those volumes cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be owned and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the Director of Public Works.

2. If installed metering devices malfunction or if metering devices are an impracticality, the person shall provide the Public Works Department with documented and certified material as required by the Director of Public Works so that the City can accurately determine the volume of waste discharged for billing purposes. Devices shall be calibrated yearly or as required. The calibration shall be made by a testing

laboratory approved by the Director of Public Works. The City reserves the right to have the devices calibrated and the cost of such calibration billed to the person.

(d) Compliance. Within 90 days after receiving notice from the Director of Public Works, each person who discharges industrial wastes into a public sewer shall have complied with this section.

(e) Extension of Time. When it can be demonstrated that circumstances exist which could create an unreasonable burden on the person to comply with the time schedule imposed, a request for an extension may be presented to the Director of Public Works who may grant an extension.

(f) Waste Sampling. Industrial wastes discharged into the public sewers shall be subject to periodic sampling and testing to determine character and concentration. All sampling and testing cost is to be at the expense of the person. The determination shall be made as often as deemed necessary by the Director of Public Works. If any testing by the City shall show a changed degree of pollutional load in the sewage or waste discharged, such new test results shall be used in computing the subsequent billings, but no reduction shall be made unless at least a full day of operation of the person's plant has undergone the test. Any person may request the City to make new tests; such tests to be of a minimum of 24 hours duration. Such test shall be made when the plant is operating under normal conditions, and the burden shall be on the person requesting the testing to establish that such normal conditions prevail. Upon a determination by the Director of Public Works that such test was made when the plant was operating under normal conditions, the results of these tests shall be used in computing the subsequent billing in the manner previously prescribed.

(g) Analysis. Laboratory test procedures used in the examination of industrial wastes shall be those set forth in Ch. NR 219, Wis. Admin. Code, and shall be made by the City at the cost of the person.

(6) BILLING PRACTICE.

(a) Billing Periods. Sewer service charges in this section for users without metering and/or sampling shall be included as a separate item on the regular bill for water service and shall be payable in accordance with the current rules and regulations of the City Water Utility, commencing with all bills due and payable on and after April 1, 1978. Monitored users that have metering and/or sampling shall be billed by the Public Works Department on a monthly basis.

(b) Payment. Users billed by the Water Utility shall make payment in accordance with the current rules and regulations of the Water Utility for payment of water bills. Such payments shall be made at the office of the Water Utility or any other officially designed location at the same time that the water bills become due. Monitored users being billed directly by the Public Works Department shall make payment to the office of the Public Works Department. Checks shall be made payable to the City Treasurer.

(7) PENALTIES FOR LATE PAYMENT OF SEWER SERVICE CHARGES AND WATER CHARGES.

(a) Delinquency. Bills for sewer service charges and water charges levied and assessed in accordance with this ordinance and resolutions adopted pursuant hereto and the rules and regulations of the Green Bay Water Utility shall become due and payable within 20 days after the date of billing. All overdue accounts shall be charged a penalty of 1 1/2 percent per month on the unpaid balance due, including penalties.

(b) Legal Basis. Each sewer service charge levied by or pursuant to this section shall constitute a lien upon the corresponding premises serviced by the sewer system as provided for in §66.0821, Wis. Stats., and the City Clerk shall record such lien in accordance with applicable statutes.

(c) Violations. Any person violating any of the provisions of this section or tampering with metering or sampling shall be liable to the City for any expense, loss, or damage occasioned by such violation and upon conviction of any violation of this section shall be subject to a forfeiture of not less than \$100 nor more than \$2,500 per violation, plus damages. Each day a condition is allowed to exist which is contrary to all or any part of this section shall constitute a new violation.

(d) Ownership and Occupancy. Change of ownership or occupancy of premises under provisions of this section shall not be cause for reducing or eliminating charges due and penalties.

(8) APPEAL PROCEDURES. Any user affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or implementing provisions of this ordinance may file with the Director of Public Works a written request for reconsideration within 10 days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Director of Public Works shall render a decision on the request for reconsideration to the user in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the Director of Public Works is unsatisfactory, the person requesting reconsideration may, within 10 days after notification on the action, file a written appeal with the Improvement and Service Committee of the Common Council.

(9) AUDIT AND NOTIFICATION.

(a) Biennial Audit. The City shall review, at least every two years, the sewage contribution of its sewer users, the operation and maintenance expenses of the City's sewerage system, and the sewer service charge system. Based on this review, the City shall revise the sewer service charge system, if necessary, to accomplish the following:

1. Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on the sewage volume and pollutant loadings discharged by the users; and
2. Generate sufficient revenues to pay the operation and maintenance expenses of the sewerage system and debt service.

(b) Annual Notification. The City shall notify its sewer users annually about the sewer service charge rates. The notification shall show what portion of the rates are attributable to the City and GBMSD sewerage systems. The notification shall occur in conjunction with a regular bill.

(10) **VALIDITY.**

(a) Repeal of Conflicting Ordinances. All ordinances, resolutions, orders, or parts thereof heretofore adopted, enacted, or entered in conflict with this ordinance shall be and the same are hereby repealed.

(b) Invalidation Clause. If any provision of this ordinance is found invalid or unconstitutional or if the application of this ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this ordinance, which can be given effect without the invalid or unconstitutional provision of application.

(c) Amendments. The City, through its duly qualified governing body, may amend this ordinance in part or in whole whenever it may deem necessary.

21.02 WATER DEPARTMENT RULES AND REGULATIONS ADOPTED. (Am. GO 3-86)
The rules and regulations of the Water Department, as adopted by the Commission on May 8, 1974, and approved by the Improvement and Service Committee of the Common Council on August 15, 1974, are incorporated by reference and made a part hereof as though fully set forth. A copy of such rules and regulations shall be filed with the City Clerk. The Green Bay Water Utility Operating Rules, as adopted by the Water Commission on September 16, 1985, and approved by the Improvement and Service Committee of the Common Council on December 11, 1985, are incorporated by reference and made a part hereof as though fully set forth herein. A copy of such operating rules shall be filed with the City Clerk. The operating rules adopted by the Water Commission on September 16, 1985, shall supersede any other ordinance, rules, or regulations in conflict therewith.

21.03 CITY WATER COMMISSION.

(1) **CREATED.** To provide nonpartisan management of the City-owned Water Utility, there is created, pursuant to §66.0805, Wis. Stats., the Green Bay Water Commission (hereafter "the Commission").

(2) **HOW CONSTITUTED.** The Commission shall consist of seven Commissioners, who shall be approved by the Council for seven-year terms, one such Commissioner to be appointed each year. In addition to such members, the Mayor shall appoint a member of the Council to the Commission, such member to have no vote.

21.04 UTILITY RECEIPTS AND DISBURSEMENTS. Utility receipts shall be paid to a bonded cashier approved by the Commission and shall be turned over to the City Treasurer at least once a month. Departmental expenditures shall be audited by the Commission and, if approved by the President and Secretary of the Commission, shall be paid out of the Utility receipts deposited in the City Treasury in the manner provided by law.

21.05 **SERVICE LIMITED TO CITY.** The Water Department of the City shall only provide service to customer or plants within the City unless otherwise permitted by the Council upon written application.

21.06 **GENERAL SEWER PLAN.** The general sewer plan of the City, as amended by the general sewer plan for sewerage separation, shall be in effect. Such plans are on file with the City Clerk.

21.07 **GENERAL SANITARY SEWER DISTRICT AND FUND.**

(1) There shall be one sewer district, known as the General Sanitary Sewer District, the boundaries of which shall be co-extensive with the City limits as extended by the Council from time to time.

(a) **Amendments.** Amendments are on file in the office of the City Clerk.

(2) (Amd. GO 33-93) There is created the General Sanitary Sewer District Fund. There shall be paid into such fund all money collected from sewer service charges.

(3) All sanitary sewers, including street and alley intersections and manholes, shall be paid for on the basis of benefits and damages except the following, which shall be paid for out of the General Sanitary District Fund:

(a) The cleaning, repairing, and replacement of any manholes and catch basins in connection therewith.

(b) The cleaning, repairing, and replacement, including relocation and substitution, of any sanitary sewer located within street and alley boundaries.

21.08 **STORM SEWER DISTRICT AND FUND.** There shall be one Storm Sewer District, which shall be co-extensive with the limits of the City, except as extended by ordinance. The cost of installing, maintaining, operating, and repairing storm sewers shall be paid out of a fund to be known as the Storm Sewer District Fund. There shall annually be paid into such fund such amount as the Council believes sufficient to meet the needs of the City, together with any funds that may be raised by bond issue or by other appropriation.

(1) **AMENDMENTS.** Amendments are on file in the office of the City Clerk.

21.09 **CROSS-CONNECTION CONTROL PROGRAM.** (Rep. and Rec. GO 2-13) The Green Bay Water Utility shall cause a cross-connection survey to be conducted and enforce this subsection.

(1) **ADOPTED STATE LAW.**

(a) **Definitions.** Section SPS 381.01, Wis. Adm. Code, as it may be amended from time to time, is hereby adopted by reference and incorporated as though fully set forth herein.

(b) Cross-Connections. Sections NR 810.15 and SPS 382.41, Wis. Adm. Code, as they may be amended from time to time, are hereby adopted by reference and incorporated as though fully set forth herein.

(c) Local Well Regulation. Section NR 810.16, Wis. Adm. Code, as it may be amended from time to time, is hereby adopted by reference and incorporated as though fully set forth herein.

(2) SURVEYS. Cross-Connection Surveyors must meet the qualifications contained in the City of Green Bay's Cross-Connection Control Plan as approved by the Wisconsin DNR. The water utility shall cause a survey for every residential service on a schedule matching meter replacement. The water utility shall cause a survey of every industrial, commercial and public authority service a minimum of once every two (2) years. Commercial properties of similar or lesser risk to residential properties may follow the same schedule as residential properties. The water utility may obtain a special inspection warrant if consent to entry for survey purposes has been refused.

(3) DISCONTINUANCE OF WATER SERVICE. Section PSC 185.37, Wis. Adm. Code, as it may be amended from time to time, is hereby adopted by reference and incorporated as though fully set forth herein.

(4) REGULATIONS. The owner of a property shall install a backflow preventer, air-gap separation, or other mechanism at the service connection to protect the public water system upon demand of the water utility for any of the following reasons:

(a) An internal cross-connection cannot be permanently corrected or controlled.

(b) Plumbing system is designed in a manner that it is impracticable or impossible to ascertain whether cross-connections exist.

(c) A dangerous material is handled in such a manner on site that it creates an actual or potential health hazard to the public water system.

(d) The plumbing system services a sewage treatment plant, hospital, mortuary, plating plant or car wash.

(e) An undue health threat is posed because of the presence of toxic substances at the plumbing system's site.

21.10 WELL HEAD PROTECTION. (Cr. GO 4-14)

(1) PURPOSE. Certain land use practices and activities can threaten or degrade groundwater quality. The purpose of the "Well Head Protection Ordinance" is to institute land use regulations and restrictions to protect The Green Bay municipal well water supply and to promote the public health, safety and general welfare of the residents of the City of Green Bay.

(2) DEFINITIONS.

(a) Aquifer - A saturated permeable, geologic formation that contains and will yield significant quantities of water.

(b) Cone of Depression - The cone-shaped area around a well, in which the water level is lowered by pumping of the well. The cone of depression for Green Bay Municipal Well has been estimated.

(c) Groundwater - Any of the waters of the state, as defined in § 281.01(18), Wis. Stats., occurring in a saturated subsurface geological formation of rock or soil.

(d) Groundwater Divide - A ridge in the water table, or potentiometric surface, from which groundwater moves away at right angles in both directions. The line of highest hydraulic head in the water table or potentiometric surface.

(e) Hazardous Substance - Any waste or material which because of its quantity, concentration or physical chemical or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

2. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

(f) Nonconforming Use - An existing lawful use of land, structure, building or accessory use which is not in conformity with the provisions of this ordinance.

(g) Petroleum Product - Any fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils, hydraulic fluids, and other similar products.

(h) Potable Water - Any water that is satisfactory for drinking, culinary, and domestic purposes meeting current State and Federal drinking water standards.

(i) Primary Management Zone - The area within a 1,200 foot radius of a well. The setbacks to contamination sources as set forth in the Wisconsin Administrative Code Chapter NR 811 shall be part of this ordinance and enforceable under the ordinance.

(j) Primary Protection Area - An area calculated as the zone of influence characteristic to each individual well supply of potable water to any community water system. It begins at the well head and extends radially outward a distance of 500 feet from the well.

(k) Recharge Area – The total land area contributing water to a well.

(l) Well – Any drillhole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface and is constructed for the purpose of obtaining groundwater.

(m) Well Head – The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

(n) Well Head Protection Area – The surface or subsurface area surrounding a water well or well field, supplying a public water system, an area through which contaminants are reasonably likely to move toward and reach such water well or well field.

(o) Well Field - A piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(3) WELL HEAD PROTECTION AREA.

(a) Separation from Contamination Sources. Section NR 811.12(5)(d), Wisconsin Administrative Code, as it may be amended from time to time, is hereby adopted in its entirety as though fully set forth herein.

(b) Prohibited Uses. The following uses are prohibited uses within the Primary Management Zone(s):

1. Pesticide and/or fertilizer storage and use
2. Septage and/or sludge spreading
3. Animal waste land spreading
4. Animal waste facilities
5. Animal confinement facilities
6. Gas stations
7. Vehicle repair establishments, including auto body repair
8. Printing and duplicating
9. Truck terminals
10. Repair shops
11. Wastewater treatment facilities

12. Spray wastewater facilities
13. Junk yards or auto salvage yards
14. Bulk fertilizer and pesticide facilities
15. Asphalt products manufacturing
16. Dry cleaning facilities
17. Salt storage
18. Electroplating
19. Exterminating shops
20. Paint and coating manufacturing
21. Hazardous and toxic materials storage and use
22. Hazardous and toxic waste facilities
23. Radioactive waste facilities
24. Tire and battery services
25. Garage and vehicular towing
26. Public and municipal maintenance garages

(4) EXEMPTIONS. Individuals and/or Facilities may request the City to issue a permit for a special exception use in the Well Head Protection Area. All requests shall be in writing to the City of Green Bay Water Utility and include an Environmental Assessment Report prepared by a licensed professional engineer. Said report will be forwarded to the Water Utility for recommendation and final decision by the Green Bay Water Utility Commission. The individual/facility shall reimburse the City for all consultant fees associated with this review at the invoiced amount plus administrative costs. Any permitted uses shall be conditional and may include required environmental and safety monitoring consistent with local, state, and federal requirements, and/or bonds and/or sureties satisfactory to the City.

(5) **NONCONFORMING USES.** The existing lawful use of a structure or building or its accessory use which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

(a) No modifications or additions to nonconforming use shall be permitted unless they are made in conformity with the provisions of this section. For the purposes of this section, the words “modification” and “addition” shall include, but not be limited to, any alteration, addition, modification, rebuilding or replacement of any such existing structure or accessory use. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components.

(b) If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of the land, structure or building shall conform to the appropriate provisions of this ordinance.

(6) **REQUIREMENTS FOR EXISTING FACILITIES.**

(a) Facilities shall provide copies of all federal, state and local facility operation approvals or certificate and ongoing environmental monitoring results to the City of Green Bay Water Utility.

(b) Facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the City of Green Bay Water Utility, which may include, but are not limited to, storm water runoff management and monitoring.

(c) Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(d) Facilities shall have the responsibility of devising and filing with the City of Green Bay Water Utility a contingency plan satisfactory to the Water Utility for the immediate notification of the Water Utility officials in the event of an emergency.

(7) **SPECIAL CHARGE.** In the event the individual and/or facility causes the release of any contaminants which endanger the City of Green Bay, the activity causing said release shall immediately cease and a cleanup satisfactory to the City shall occur. The individual/facility participating in such activity shall be responsible for all costs of cleanup, City of Green Bay consultant fees at the invoice amount plus administrative costs for oversight review, and documentation. These costs may include but are not limited to:

(a) The cost of City of Green Bay employees’ time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the City representing the City’s cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.

(b) The cost of City equipment employed.

(c) The cost of mileage reimbursed to City employees attributed to the cleanup.

(8) **PENALTIES.** Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, plus the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

(9) **AUTHORITY TO ISSUE CITATIONS.** The following City employees are authorized to sign and issue citations for violations of this section and may designate other city employees who may sign and issue citations on their behalf:

(a) The Water Utility General Manager

(b) An attorney representing the City

(10) **CONFLICT AND SEVERABILITY.**

(a) **Conflict with other Ordinances.** In case of a conflict between this ordinance, or any part thereof, and the whole or part of any existing or future ordinances, the most restrictive provisions shall apply.

(b) **Severability.** If any word, clause, phrase, portion, or provision of this ordinance is held invalid or unconstitutional by any duly authorized court in the State of Wisconsin, such a decision shall not affect the remainder or any other provision of this ordinance.

21.11 LEAD WATER SERVICE LINE REPLACEMENT. (Cr. GO 16-16)

(1) **Intent and Purpose.** Lead service lines pose a threat to the public health based on the potential for leeching of lead into drinking water. The Common Council of the City of Green Bay therefore finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead pipe water service lines in use within the Green Bay Water Utility system and to that end declares the purposes of this ordinance to be as follows:

(a) to ensure that the water quality at every tap of Green Bay Water Utility customers meets the water quality standards specified under the federal Safe Drinking Water Act; and

(b) to reduce the lead in City drinking water to meet EPA standards in City drinking water for the health of City residents; and

(c) to meet the WDNR requirements for local compliance with the EPA's Lead and Copper Rule; and

(d) to effect the replacement of all high risk lead service lines within one (1) year of their discovery and the replacement of all remaining lead pipe water service lines in use in the City within ten (10) years.

(2) Authorization. This ordinance is enacted pursuant to Sec. 62.11(5) and Sec. 281.12(5), Wis. Stats., and as mandated by 42 U.S.C. Sec. 300g, of the Federal Safe Drinking Water Act, enforced by the EPA and the WDNR.

(3) Rules of Construction and Definitions. This ordinance and all rules and orders promulgated under this ordinance shall be liberally construed so that the purposes enumerated in subsection (1) may be accomplished. Words and phrases shall be construed and understood according to their common and usual meaning unless the contrary is clearly indicated. Within this section:

“Child care facility” means any state licensed or county certified child care facility including, but not limited to, licensed family child care, licensed group centers, licensed day camps, certified school-age programs and Head Start programs.

“City” means City of Green Bay.

“Confirmed water sample test” means a tap water analysis completed after a prior analysis that indicated lead levels at the EPA Action level and conducted in accordance with the Lead and Copper Rule, with Sec. NR 809.547, Wis. Adm. Code., and with instructions provided by the Water Utility.

“Customer-side water service line” means the water conduit pipe running from the customer’s meter to the curb stop which is the Water Utility shut-off valve usually located behind the curb on public property.

“EPA” means the U.S. Environmental Protection Agency.

“EPA Action level” means a concentration of 15 or more parts per billion (ppb) of lead as measured at a customer’s tap.

“Federal Safe Drinking Water Act” means 42 U.S.C.A. Sec. 300f-300j-26.

“General Manager” means the Water Utility General Manager.

“High risk lead service” means a lead customer-side water service line identified in Subsection (5) and any lead customer-side water service line where a confirmed water sample test of a customer’s tap water reveals a lead concentration at or above the EPA Action level.

“Lead and Copper Rule” means the rule created by the EPA and adopted by the WDNR in response to the passage of the Safe Drinking Water Act, which provides maximum contaminant level goals and national primary drinking water regulations (NPDWR) for controlling lead and copper in drinking water. NPDWR regarding approved treatment techniques include corrosion control treatment, source water treatment, lead service line replacement and public education. The rule may be found in 56 FR 26460, 40 CFR part 141.80-141.90, and Chapter NR 809.541-NR 809.55, Wis. Adm. Code.

“Licensed plumber” means a person, firm, corporation or other entity licensed to perform plumbing work in the City by the State of Wisconsin.

“Ppb” means parts per billion.

“Property” means any possessory interest, legal or equitable, in real property including an estate, trust, or lien, and any buildings, structures and improvements thereon.

“Service replacement schedule” means the schedule adopted by the Water Utility Commission for the replacement of lead customer-side water service lines based on community resources, on availability of licensed plumbers and Water Utility resources to complete service line replacements, and on physical location of properties with lead customer-side water service lines. Based on the above factors, customers will be assigned a time period within the schedule for replacing their lead customer-side water service line. In no case shall a customer on this schedule have less than thirty (30) days from the date of notification pursuant to Subsection (6) for the replacement of any lead customer-side water service line.

“Water Utility” means the City of Green Bay public water utility system, also known as Green Bay Water Utility.

“WDNR” means the Wisconsin Department of Natural Resources.

(4) Survey and Self Inspections. Upon notice from the Water Utility, any person who owns, manages or otherwise exercises control over a property within the Green Bay Water Utility system shall allow the Water Utility to inspect the customer-side water service line or have the customer-side water service line inspected by a licensed plumber to determine whether the service line is lead, copper, cast iron, galvanized steel, plastic or other material.

(5) Lead Service Line Replacement.

(a) All of the following service line material combinations are subject to partial or full replacement with galvanized, copper, and/or plastic service lines under this ordinance as identified:

<u>Water Utility-Side</u>	<u>Customer-Side</u>	<u>Side Requiring Replacement</u>
Lead	Lead	Both
Lead	Galvanized	Water Utility Only
Lead	Copper	Water Utility Only
Lead	Plastic	Water Utility Only
Copper	Lead	Customer Only
Plastic	Lead	Customer Only

No other service line material combinations have been identified which require replacement under this ordinance.

(b) All lead water service lines must be replaced regardless of whether on the Water Utility-side or the customer-side. If a customer-side lead water service line is connected to a Water Utility-side lead water service line, both lines must be replaced at the time Water Utility is replacing its side of the lead water service line. As of the effective date of this ordinance, no lead service line will be allowed to connect to a Water Utility line once replaced.

(6) Replacement Priority. Owners, managers or persons otherwise exercising control over properties within the Green Bay Water Utility system with customer-side lead water service lines shall be required to replace the customer-side water service lines according to the following order of priority and based on the replacement schedule established by the Water Utility Commission:

- (a) Schools or child care facilities.
- (b) Properties at which a confirmed water sample test at the tap shows lead concentration at 15 or more ppb.
- (c) Properties where more than twenty (20) people regularly have access to drinking water during any eight-hour period.
- (d) Properties where the Water Utility is replacing its side of the lead water service line to the property.
- (e) All other properties not covered in Subsections (5)(a)-(d).

Notwithstanding the schedules set forth herein and any limitations on funding sources which may be made available to either the Water Utility or the customer, all customer-side water service lines identified herein shall be replaced no later than December 31, 2025.

(7) Scheduling. Replacement of customer-side lead pipes that are connected to a Water Utility-side lead service line must be completed at the time the Water Utility-side service line is replaced. Scheduling of all such replacements for customer-side lead pipes must be coordinated between the homeowner's contractor and the Water Utility within thirty (30) days of receipt of notice that the Water Utility-side water service lines are scheduled to be replaced. Additional time to schedule the customer-side lead pipe replacement may be granted by the General Manager of the Water Utility for good cause.

(8) Financing of Replacement. In the event funding is made available for this purpose through any means, an eligible property owner may apply to the City for financing of any portion of the cost of replacing a lead customer-side water service line under the terms of such financing program. Disputes regarding eligibility for financing may be appealed to the Water Utility Commission, unless otherwise noted in the funding program. As a condition of receiving any available financing from the City, the property owner must provide adequate documentation demonstrating that the contractor and/or plumber completing the work anticipated hereunder is properly certified and/or licensed by the State of Wisconsin and/or the City, as appropriate.

(9) Exceptions.

(a) The Water Utility may modify the inspection requirement set forth under Subsection (4) if the customer so requests and demonstrates compelling need.

(b) Upon the demonstration of compelling need, the owner of a single-family dwelling or a business to which the public has no access to tap water and with no more than five (5) employees, may request a change of schedule or an extension of time for compliance with Subsections (5)-(7).

(c) Guidelines for the consideration of requests under Subsections (9)(a) and (9)(b) will be established by the Water Utility Commission.

(d) Compliance deadlines will be calculated on a calendar year basis but may be deferred during the months of December - March on the basis of weather constraints.

(10) Prohibitions. It shall be unlawful for any person to fail to comply with the applicable lead customer-side water service line replacement requirements as set forth herein or to violate any other provision of this ordinance.

(11) Penalties. Any person who violates any provision of this ordinance may be subject to a forfeiture of no less than fifty dollars (\$50) and no more than one thousand dollars (\$1,000). Each day a violation continues may be considered a separate offense.

(12) Severability. If any subsection or portion of this ordinance is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, that subsection or portion shall be deemed severable and shall not affect the validity of the remaining portions of the ordinance.

TRANSPORTATION

21.15 MUNICIPAL PARKING SYSTEM DIVISION. (Amd. GO 49-98)

(1) There is hereby established a Municipal Parking System Division, which shall be managed by the Director of Public Works, subject to the approval of the Common Council.

(2) The Director of Public Works shall manage the Municipal Parking System Division as a division in the City of Green Bay table of organization, subject to the following conditions:

(a) The Municipal Parking System Division shall be maintained as a "special revenue fund", and books of account shall be kept in and by the office of the City Finance Director.

(b) All Municipal Parking System Division expenditures shall be audited by and subject to the City's general audit.

(3) **ADMINISTRATION OF PARKING METERS.** The Municipal Parking System Division shall create and maintain parking-meter zones as designated by Ch. 29, Green Bay Municipal Code, and under the maintenance and collection provisions of this section.

(4) **MAINTENANCE AND COLLECTION REGULATIONS.** The Director of Public Works shall direct the maintenance and operations attendants of the Municipal Parking System Division to service and maintain the parking meters and collect the revenues therefrom. All maintenance and operation attendants shall be bonded in amounts set by the Common Council. A sealed or locked container shall be used as a receptacle for collection of the cash, which shall be deposited at a place and in a manner directed by the Common Council. Such personnel employed in the service and maintenance of parking meters and the collection of revenues therefrom shall be under the direct supervision of the Director of Public Works and shall issue violation notices as provided in the Green Bay Code of Ordinances.

(5) **DISPOSITION OF PARKING METER REVENUES.** Parking meter revenues shall be maintained by the City in a "special revenue fund." From time to time the City Finance Director shall provide an accounting of this fund, which shall be subject to periodic City audit.

(6) **PARKING METERS AND RATES.** The City shall install parking meters at various locations and at various rates which shall be designated by the Common Council from time to time by resolution of the Common Council.

(7) **OPERATION OF PARKING METERS.** Parking meters shall be operated on days and during hours designated by the Common Council.

(8) **MUNICIPAL PARKING SYSTEM DIVISION PERSONNEL.** The Common Council shall designate necessary Municipal Parking System Division personnel for the operation, maintenance, and enforcement of the Municipal Parking System Division. Parking enforcement attendants shall have the power to issue citations for violations of any existing parking ordinance, resolution, or subsequent amendments thereto, and all state statutes incorporated by reference. Such citations shall be on forms prescribed by the City. The above-named personnel shall perform such other duties as prescribed by the City and be bound by such rules and regulations established by the Municipal Parking System Division. The above-described personnel shall not be police officers and shall have no police powers to arrest. The above-described personnel shall wear uniforms prescribed by the City.

(9) **MUNICIPAL PARKING SYSTEM ADVISORY COMMITTEE.** There shall be established a Municipal Parking System Advisory Committee consisting of three citizen members appointed for two-year terms by the Mayor, subject to confirmation by the Common Council. The Advisory Committee shall meet from time to time and advise the Director of Public Works and the Common Council regarding the general operation of the Municipal Parking System Division, including, but not limited to, location of parking meters, rates, designated hours of operation, on-street and off-street parking regulations, and other matters of importance to the operation of the Municipal Parking System Division.

21.16 **CITY TRANSIT COMMISSION.**

(1) **CREATED.** The City Transit Commission shall operate under the authority of §66.1021, Wis. Stats., and shall be designated "City of Green Bay Transit Commission."

(2) **HOW CONSTITUTED.**

(a) The City Transit Commission shall consist of seven members, who shall be appointed by the Mayor subject to confirmation by the Council, one of whom shall be designated Chairman.

(b) (Am. GO 51-84) The first member of the Transit Commission shall be appointed for staggered three-year terms. The term of office of each member thereafter appointed shall be three years.

(c) (Am. GO 51-84) No person holding stocks or bonds in any corporation subject to the jurisdiction of the Commission, or who is in any other manner directly or indirectly pecuniarily interested in any such corporation, shall be a member of nor employed by the Commission.

GENERAL PROVISIONS

21.20 **UTILITIES TO BEAR COSTS OF IMPROVEMENTS.** All permits, licenses, or franchises granted to any public utility desiring to use the public streets shall, in addition to the other provisions of such licenses, permits, or franchises, have incorporated therein the following clause:

Whenever it shall become necessary for the City to install sewer, water, or other public services under such street, the public utility, corporation, or individual shall, upon notification, permit such construction. The public utility, corporation, or individual shall pay the usual costs of such installation, together with any costs above the ordinary and usual construction costs incurred because of any variation in the design or construction required by such public utility, corporation, or individual.

21.25 **GENERAL PENALTY.** Any person who shall violate any provision of this chapter or any rule, regulation, or order made hereunder shall be subject to a penalty as provided in §40.05, Green Bay Municipal Code.