



Board of Public Works

Regular Meeting

335 South Broadway
De Pere, WI 54115
<https://www.deperewi.gov/>

Agenda

Monday, June 10, 2024

7:30 PM

Council Chambers and Virtual

Pursuant to Wisconsin Statute 19.84, Notice is hereby given to the public that a meeting of the **Board of Public Works** of the City of De Pere will be held on **June 10, 2024** at **7:30 PM** in the **COUNCIL CHAMBERS, 2ND FLOOR CITY HALL, 335 S. BROADWAY STREET, DE PERE.**

The Public or Members of the Board of Public Works, which may count toward an official quorum, may attend the meeting either in person in the Council Chambers or telephonically or electronically via video conferencing or other appropriate technological means. Telephonic or electronic access to the meeting is provided below:

Computer/smart phone accessing <https://www.gotomeet.me/DePere>

OR

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(312\) 757-3117](tel:+13127573117)

Access Code: 154-883-285

This meeting may also be rebroadcast on Spectrum Cable Channel 4 and AT&T U-verse Channel 99 throughout the week and available on demand at <http://deperecitywi.igmp2.com/>.

I. Call to Order

1. Roll Call

II. Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Board of Public Works. Section 6-3(f) DPMC

III. Items

- 1. Approval of the May 13, 2024 Board of Public Works Meeting Minutes**
- 2. Consider and Possible Action on Replacing Existing Service Signs on S. Broadway & Bicentennial Park***
- 3. Consideration and possible action on Award of Contract 24-08 Manhole Rehabilitation***
- 4. Consideration and possible action on Compliance Maintenance Annual Report for Wastewater Collection System***
- 5. Consideration and Possible Action on Updates to the City of De Pere Municipal Code to Mandate Sump Pump Installation***

IV. Future Agenda Items

V. Adjournment

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Clerk's office at 339-4050 by Noon, the previous day so that arrangements can be made.

***Items with an asterisk require City Council approval.**

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Clerk-Treasurer's office at 339-4050 by Noon, Monday, June 10, 2024 so that arrangements can be made.

Agenda Sent To:

MAYOR

ALDERPERSONS

DEPARTMENT HEADS

DEFINITELY DE PERE

ROTARY CLUB

BOY SCOUTS OF AMERICA

VFW AUXILIARY POST 2113 & VFW POST
2113

INDEPENDENT ORDER OF ODD FELLOWS

DE PERE LIONS CLUB

CELEBRATE DE PERE

GREAT LAKES TV SEAL, INC

DE PERE CHAMBER OF COMMERCE

TV, NEWSPAPERS & RADIO

KRESS FAMILY LIBRARY

DE PERE MENS CLUB

KIWANIS CLUB

ABBOT PENNINGS COUNCIL 3955 & DE
PERE KNIGHTS OF COLUMBUS

OPTIMIST CLUB

DE PERE WOMENS CLUB

PINK FLAMINGOS

HOME COMMUNITY EDUCATION



City of De Pere, Wisconsin

Request For Board of Public Works Action

MEETING DATE: June 10, 2024

DEPARTMENT: Board of Public Works

FROM: Betty Marovich

SUBJECT: Approval of the May 13, 2024 Board of Public Works Meeting Minutes

ATTACHMENTS:

- 2024 0513 CE_BOPW_Draft Minutes (PDF)



Board of Public Works

Regular Meeting

335 South Broadway
De Pere, WI 54115
<https://www.deperewi.gov/>

Draft Minutes

Monday, May 13, 2024

7:30 PM

Council Chambers and Virtual

I. Call to Order

The meeting was called to order at 7:30 PM by Mayor James Boyd

Attendee Name	Title	Status	Arrived
James Boyd	Mayor	Present	
Dan Carpenter	Aldersperson	Present	
Jonathon Hansen	Aldersperson	Present	
Shana Defnet Ledvina	Aldersperson	Present	
Mike Eserkaln	Aldersperson	Present	

Others:

Scott Thoresen, Director of Public Works

Eric Rakers, City Engineer

Grace Lahtela, Recording Secretary

Aldersperson Pamela Gantz

Lori Aissen (Remote)

II. Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Board of Public Works. Section 6-3(f) DPMC

None

III. Items

1. Approval of the April 8, 2024 Board of Public Works Meeting Minutes

Aldersperson Carpenter moved to approve the April 8, 2024 Board of Public Works meeting minutes, seconded by Aldersperson Hansen. Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Aldersperson
SECONDER:	Jonathon Hansen, Aldersperson
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

2. Public Hearing to Levy Special Assessments

i. Notice of Public Hearing

Grace Lahtela, Recording Secretary, announced the notice of public hearing was published in the Green Bay Press Times on April 19, 2024.

ii. Recommendation from the Board of Public Works

Eric Rakers, City Engineer, announced the Board of Public Works adopted the preliminary resolution to schedule the public hearing for authorizing special assessments at the Board of Public Works meeting on April 8, 2024.

iii. Final Resolution Authorizing Levying Special Assessments

1. Consideration and possible action on Resolution BOPW #24-02, Final Resolution Authorizing the Levying of Special Assessments for Storm Sewer Main and/or Laterals

Mayor Boyd opened the public hearing at 7:32 PM.

There were no questions, comments, or requests from the audience regarding this item on the agenda.

Mayor Boyd closed the public hearing at 7:33 PM.

Aldersperson Ledvina moved to approve the Final Resolution Authorizing the Levying of Special Assessments for Storm Sewer Main and/or Laterals, seconded by Mayor Boyd. Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Shana Defnet Ledvina, Aldersperson
SECONDER:	James Boyd, Mayor
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

3. Consideration and possible action on election of Vice Chairperson

Aldersperson Ledvina nominated Aldersperson Carpenter.

Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Shana Defnet Ledvina, Aldersperson
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

4. Discuss Rectangular Rapid Flashing Beacon Policy

Eric Rakers, City Engineer, stated that Aldersperson Gantz had requested installation of rectangular rapid flashing beacon (RRFB) on Ninth at Park Street. Mr. Rakers stated that the location does not meet qualifications for installation of RRFB. Mr. Rakers stated the intent of the memo is to discuss the current policy, how the current policy was enacted, and further detail about Ninth and Park review. Mr. Rakers explained that in March 2012 the policy for installation of crosswalks was adopted and outlined a few key points of qualification including: street designation as arterial or collector, a distance of 300 feet from the next street crossing, adequate demand, and adequate site distance. Mr. Rakers explained that utilizing qualification 3b, the crosswalk was installed on Ninth at Park Street. Mr. Rakers explained that in 2017, the City hired a consultant to evaluate pedestrian crossings on N. Broadway Street and update the pedestrian crosswalk policy. Mr. Rakers explained that the updates outlined when additional amenities could be considered including ladder-style crosswalks, bump-outs, refuge islands, and RRFB. Mr. Rakers explained that the goal of the policy is to establish criteria for the installation of crosswalks at locations with a higher likelihood of pedestrian and vehicle interactions and that additional amenities (such as painting, geometric improvements, and RRFBs) are installed at areas of higher conflicts based on the number of pedestrian crossings, the volume of traffic, posted speed and number of travel lanes. Mr. Rakers further explained the goal of the policy was to balance the use of RRFBs at high pedestrian, high traffic, multi-lane facilities compared with over-installing RRFBs and added that over-use of RRFBs can diminish the effectiveness along with giving drivers the perception that

yielding is only required at crosswalks when yellow lights are flashing. Mr. Rakers shared the Federal Highway Administration verbiage describing where RRFB installation is most effective. Mr. Rakers explained the current criteria that needs to be met to qualify for RRFB installation. Mr. Rakers shared the verbiage and criteria for RRFB installation from multiple sources including: Manual on Uniform Traffic Control Devices, City of Boulder Colorado, and Wisconsin Department of Transportation. Mr. Rakers stated that the maps included with the memo show the current pedestrian crossings and additional enhancements, along with daily traffic volumes. Mr. Rakers listed locations that have enhanced amenities. Mr. Rakers reviewed Ninth at Park intersection including street designation, traffic volumes, street width, parking, traffic speed, and pedestrian counts. Mr. Rakers outlined observations from staff during pedestrian counts. Mr. Rakers concluded that the location of Ninth at Park Street does not meet the criteria for installation of an RRFB based on City policy. Mr. Rakers explained that the Police Department will be conducting "Frogger" events at this location and speed enforcement near Apollo Way. Mr. Rakers further added that the cost of RRFBs has increased to between \$15,000 and \$20,000 per crosswalk and reiterated that the goal of the policy is to balance the use of RRFB's at high pedestrian, high traffic, multi-lane facilities compared with over-installing them. Mr. Rakers stated that the intent of this item is for discussion only and that if the Board would like additional action, a future agenda item would be made for staff to hire a consultant to evaluate the intersection and/or update the Crosswalk Policy. Mr. Rakers stated that staff does not recommend installing an RRFB without having an updated policy or an engineering study completed.

Scott Thoresen, Director of Public Works, added that the RRFB locations listed at schools were funded by the schools including the engineering studies and installation.

Mayor Boyd moved to open the meeting for public comments at 7:59 pm, seconded by Alderperson Hansen. Upon vote, the motion passed unanimously.

Alderperson Gantz, 448 N. St Bernard Dr, stated she had a petition from approximately 40-50 people requesting some action to make the intersection more pedestrian safe. Some suggested actions were installation of flashing or lane lights and restricting parking. Ms. Gantz also stated that staff could pursue a grant with ADRC to assist with cost of RRFB. Ms. Gantz added that many individuals living in that area including Nicolet Terrace and Renaissance were elderly or disabled. Ms. Gantz shared some concerns that she has heard from residents attempting to cross this location. Ms. Gantz suggested renting the parking lot across the street from the post office and asking employees to park there to alleviate the parking on the street that can cause visibility issues.

Lori Aissen, Nicolet Terrace, shared her experiences crossing at this location and stated that restricting parking on one side of the street would help.

Mayor Boyd moved to return to regular session at 8:06 PM, seconded by Alderperson Ledvina. Upon vote, the motion passed unanimously.

Alderperson Carpenter asked if a sign similar to the one located westbound on Main near the bridge could be installed at this location or if it would be against policy. Mr. Rakers stated that the signs that were located at the Main Ave crossing have been replaced with RRFB and added that the request to install signs would be for the bright lights rather than the border lights. Mr. Rakers added that staff would allow having brackets installed on the City sign posts for holding red flags that residence can use for extra visibility. Mr.

Rakers added that this had previously been done on Broadway Street and would be the responsibility of the residence utilizing the flags to purchase and upkeep. Mr. Rakers reiterated that over use of RRFB diminishes their effectiveness and added that there are times on Broadway that vehicles will not yield when the RRFB is flashing. Mr. Rakers added that RRFB and signalized intersections are not a guarantee of safety. Mr. Rakers stated he would not be in favor of restricting more than one parking space because the parking on Ninth Street is slowing the traffic speeds. Mr. Rakers stated that in 2015 the crosswalk was added and a sign is installed during summer months in the middle of the road. Mr. Rakers added that having the flags would give pedestrians something to wave to get driver's attention. Mayor Boyd stated that eliminating one parking stall was an option for alleviating some concern about visibility and added that making your intentions known is important and may require stepping out onto the street. Alderperson Carpenter stated that based on where the traffic counters were located and the cars are parked, the parked vehicles are creating lower speeds. Alderperson Carpenter added that the parking lot across from the post office is privately owned and would not be an option for parking postal staff. Alderperson Ledvina asked if moving the crosswalk would be an option. Mr. Rakers stated that this crosswalk configuration is an older style where it aligns with the inside of the radius and added that offering a crosswalk on the south side of the intersection would be difficult due to the storm inlet and Rennes driveway. Mr. Rakers stated that it could be looked at further, especially since there aren't cars parked south of the intersection. Mayor Boyd asked if a car could park between the crosswalk and the Rennes driveway. Mr. Rakers stated there would not be enough space there. Alderperson Eserkaln stated that he walks in this area frequently and will not cross at this intersection due to the traffic and added that the vehicles seem to increase speed once they get around the curve. Alderperson Eserkaln also remarked that it is difficult to exit the post office parking lot due to visibility from parked cars. Mr. Rakers stated that parking was moved back off the post office driveways a few years ago, but added that restricting parking would create other concerns. Mr. Rakers stated that staff did a traffic and accident study at this location recently and there have not been any major accidents. Mr. Rakers reiterated that the parking helps slow the traffic. Alderperson Eserkaln proposed that the pedestrian count could be low because they avoid crossing at that location. Mr. Thoresen suggested that installing bumpouts could be an option to allow pedestrians to see around parked vehicles easier, but added that they are costly. Alderperson Eserkaln asked if that would be more expensive than RRFB installation. Mayor Boyd stated it is more cost effective to be done during road construction. Mr. Rakers stated that it would be very similar in price to an RRFB. Mr. Rakers stated that he prefers RRFB installation on multi-lane roads and bumpouts and pedestrian islands on two-lane roads. Mayor Boyd asked if bike lanes could be added to shrink the width of the roadway. Alderperson Hansen stated that it should have been shrunk during construction a few years ago. Mr. Rakers stated that if the work had been a reconstruction that staff would have looked at narrowing the roadway. Alderperson Eserkaln asked if there was enough space to install a pedestrian refuge island. Mr. Rakers stated that bumpouts would be a better alternative at that location. Alderperson Hansen stated he was in favor of restricting one stall of parking and installing bumpouts. Mayor Boyd asked the Board if they were in favor of the frogger activities at this location and increased police presence for the time being. The Board members were in favor. Mr. Rakers stated he would discuss eliminating one parking stall at the next parking and traffic team meeting. Mr. Thoresen stated that the intent of this item was discussion, but if the Board has other ideas for modifications at this intersection that staff can look further into them including the elimination of the parking stall, installation of bumpouts or hiring a consultant to

perform a traffic study. Mayor Boyd stated he was comfortable moving forward with frogger activities and increased police presence. Alderperson Ledvina asked staff to discuss at parking and traffic the relocation of the crosswalk to the south. Mr. Rakers stated that if that was an option, it would be added as a budget request for 2025. Mayor Boyd explained the composition of the parking and traffic team and shared that they meet quarterly to discuss ideas such as the ones suggested for this location.

Discussion only. No action necessary.

RESULT:	DISCUSSED
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5. Consideration and Possible Action Regarding Definitely De Pere's Request to Waive Public Works Fees*

Alderperson Carpenter moved to approve Definitely De Pere's request to waive public works fees, seconded by Alderperson Ledvina.

Mayor Boyd stated that public works fees have been waived in the past and added that the estimated amount for 2024 would be \$2,300 with a 50% exempt discount applied. Scott Thoresen, Director of Public Works, added that Definitely De Pere may have additional events that public works would assist with including the bike race which was a substantial cost in 2023. Mayor Boyd stated that the bike course is being shrunk for 2024, which should equate to lower costs.

Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dan Carpenter, Alderperson
SECONDER:	Shana Defnet Ledvina, Alderperson
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

6. Consideration and possible action on award of Contract 24-11 City Hall Flooring Replacement*

Alderperson Hansen moved to approve award of Contract 24-11 City Hall Flooring Replacement to H.J. Martin & Son, seconded by Mayor Boyd.

Alderperson Hansen clarified that first floor had already been completed. Mayor Boyd stated that it had and that this contract covers second floor. Scott Thoresen, Director of Public Works, stated that a map of the included area was in the packet.

Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jonathon Hansen, Alderperson
SECONDER:	James Boyd, Mayor
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

7. Consideration and possible action on Award of Contract 24-18 Mission Square Dumpster Enclosure Construction*

Eric Rakers, City Engineer, explained that this project included a dumpster enclosure at Mission Square Parking Lot and also at the Community Center. Mr. Rakers added that the low bid from Highway Landscapers was within budget for both locations. Scott

Thoresen, Director of Public Works, added that an informational meeting was held for impacted properties of Mission Square and that annual assessments would start in 2025 for users.

Mayor Boyd moved to approve award of Contract 24-18 Mission Square Dumpster Enclosure Construction to Highway Landscapers, seconded by Alderperson Carpenter.

Alderperson Hansen verified that impacted properties were contacted including the former post office. Mr. Thoresen stated they were contacted. Mr. Thoresen added that there was concerns about losing parking stalls, but parking stalls will be striped in areas that had previously been reserved for storing collection carts and there will be a net loss of one stall. Alderperson Hansen asked if the motorcycle parking will remain. Mr. Thoresen stated that stall will be eliminated. Alderperson Hansen asked if Walgreens would be an included user. Mr. Thoresen explained that Walgreens has their own collection services. Alderperson Carpenter asked if the assessments will be comparable with other locations with City dumpsters. Mr. Thoresen explained that the collection, maintenance, and construction costs are all lumped together and split evenly between all users. Mr. Thoresen explained that restaurants, bars, and eateries pay an increased amount. Alderperson Ledvina asked where the Walgreens dumpsters were located. Mr. Thoresen stated they were on the northeast corner of the building.

Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Mayor
SECONDER:	Dan Carpenter, Alderperson
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

8. Discuss PSC Final Water Rate Case Approval

Scott Thoresen, Director of Public Works, explained that this item is an update. Mr. Thoresen explained that a consultant had been hired to complete a full rate case for water rates, a public hearing was held, and the Public Service Commission approved an overall rate increase of 9.44%, effective June 1, 2024. Mr. Thoresen explained that since bills are sent quarterly, some customers may have some months at the current rates and others at the new rate. The intent of this discussion is to inform the Board of Public Works, as it is the body that oversees the City Water Department.

Alderperson Carpenter asked if part of the rate increase included a payback to the general fund. Mr. Thoresen stated that was still in discussion with the Finance Director and City Administrator to be presented at a later date. Alderperson Hansen asked staff to explain to the audience what it means to be in deficit to the general fund and also asked to have staff provide background on past increases for water and sewer rates. Mr. Thoresen explained that staff, Board, and Council had decided not to raise water rates and sewer rates at the same time and explained the sewer rate increases from NEWWater for covering their capital improvement projects and added that the sewer rates have leveled off. Mr. Thoresen explained that water rate increases are attributed to increased costs of water, maintenance/replacement of the system (water mains), and purchase and installation of automated water meters. Mr. Thoresen explained that the water utility was operating in a deficit the past 8 to 10 years and the money was being borrowed from the general fund to cover costs. Alderperson Carpenter commented that City of De Pere has

been replacing with plastic water main since the 80s and guessed that about 50-70% of water main was replaced with PVC. Mr. Thoresen stated that the City was probably about 60% replaced with PVC. Mr. Thoresen added that staff tries to replace utilities, such as water main, during road construction projects to get the best rates but stated that with the current budget for water main it would take about 50 years to complete the replacement to PVC citywide. Mr. Thoresen stated that the PSC prefers to see 1.5-2% replacement to PVC annually. Mayor Boyd stated that De Pere is in much better shape with replacements than neighboring communities.

Discussion only. No action necessary.

RESULT:	NO ACTION
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9. Consideration and possible action on applying for a Wisconsin Department of Natural Resources Urban Nonpoint Source and Storm Water Management Grant Program*

Eric Rakers, City Engineer, stated that the Board approved applying for the grant at the March 11, 2024 meeting and staff has sent in the application. Mr. Rakers stated that following the submittal, staff was contacted by the DNR and they stated that the City could approve specific resolution language to be included with the grant application for additional points in the scoring process.

Aldersperson Ledvina moved to approve resolution for the Wisconsin Department of Natural Resources Urban Nonpoint Source and Storm Water Management Grant Program, seconded by Aldersperson Hansen. Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Shana Defnet Ledvina, Aldersperson
SECONDER:	Jonathon Hansen, Aldersperson
AYES:	Boyd, Carpenter, Hansen, Defnet Ledvina, Raasch

10. Discussion on 2025 Gap Sidewalk Orders

Eric Rakers, City Engineer, explained that annually staff presents the sidewalk gaps that need to be ordered in and property owners are given until June 30th of the following year to install or begin construction. Mr. Rakers stated that no subdivisions currently meet the criteria and added what the criteria were to have sidewalks ordered. Mr. Rakers stated that there are no gap sidewalks to be ordered in for 2025.

Aldersperson Hansen asked if Pine Trail Crossing will have all sidewalks installed this year. Mr. Rakers stated that they would be since they were ordered last year to be completed in 2024.

Discussion only. No action necessary.

RESULT:	DISCUSSED
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IV. Future Agenda Items

None

V. Adjournment

Mayor Boyd moved to adjourn the meeting at 8:42 PM, seconded by Alderperson Hansen. Upon vote, the motion passed unanimously.

Respectfully submitted,
Betty Marovich

**City of De Pere, Wisconsin****Request For Board of Public Works Action**

MEETING DATE: June 10, 2024

DEPARTMENT: Public Works

FROM: Scott Thoresen

SUBJECT: Consider and Possible Action on Replacing Existing Service Signs on
S. Broadway & Bicentennial Park*

ATTACHMENTS:

- Consider Replacing Existing Service Signs 6-4-2024 (DOCX)
- Consider Replacing Existing Service Signs 1-3-2024 (DOCX)
- 1-8-2024 BOPW Meeting Minutes (PDF)
- Civic Group Sign Policy Revised 4.26.24 (DOC)
- Lions Club Response 6-1-2024 (PDF)
- De Pere Area Men's Club Response 6-1-2024 (PDF)
- Knight of Columbus Abbott Penning Council Response 5-31-2024 (PDF)

CITY OF DE PERE MEMO



To: Honorable Mayor Boyd
Board of Public Works Members
From: Scott J. Thoresen, Director of Public Works
Date: June 4, 2024
RE: Consider and Possible Action on Replacing Existing Service Signs on S. Broadway & Bicentennial Park*

The BOPW discussed at the January 8, 2024, meeting whether to continue to keep the existing service signs located at S. Broadway and Bicentennial Park. (See attached staff memo and meeting minutes) The BOPW recommended moving forward with keeping the signs for now and to develop a policy (see attached draft policy) to bring back to the BOPW for further discussion.

In addition, staff evaluated the existing sign structure. The typical life of treated signposts is 20 to 40 years depending on various factors. This sign was permitted on 4/30/1980. This would make the sign 44 years old. We already know the condition of the wood above ground is an issue which is the reason we have been discussing the removal of these signs in the first place. The integrity of the wood underground is definitely a concern for the City which is why the sign needs to be replaced if the civic groups want the signs to remain. The City should not take on the liability for the existing sign structures to remain. If the sign structure is replaced, we would be looking at possibly expanding so more civic signs could be added. Right now, the maximum is nine (9) signs. It is estimated the existing sign structure could be replaced for approximately \$10,000 which would include materials (\$2,500) and City staff and equipment (\$7,500).

The draft policy and costs to replace the existing signs were shared with the civic groups. Staff received email comments from the Lion's Club, De Pere Area Men's Club and Knight of Columbus Abbot Pennings Council #3955. (See attached email comments)

If the BOPW determines they want to continue with allowing service signs at these locations, staff would recommend the following:

- Remove existing signs.
- Develop a policy the City and civic groups can agree to.
- Once a policy is approved by the BOPW and Council, determine how the sign replacements are going to be funded.

CITY OF DE PERE MEMO



To: Honorable Mayor Boyd
Board of Public Works Members

From: Scott J. Thoresen, Director of Public Works

Date: January 3, 2024

RE: Consider and Possible Action on Replacing Existing Service Signs on S. Broadway & Bicentennial Park*

The BOPW discussed at the October 9, 2023 meeting Alderperson Hansen's request regarding the future of the existing service signs located at S. Broadway and Bicentennial Park. (See attached staff memo and meeting minutes) The BOPW recommended moving forward with allowing the service groups until January 1, 2024 to rehabilitate the existing signs. Staff have reached out to all the service groups that have existing signs at these locations. The following service groups have an interest in keeping the signs: Women's Club, Lion's Club, Kiwanis, Rotary, Knights of Columbus, Optimist Club, and VFW 2113. In addition, the Pink Flamingos have an interest of having a sign placed.

Staff has further researched and found additional information regarding these signs. The BOPW discussed at the November 10, 2014 meeting (See attached staff memo and meeting minutes) a request from the Women's Club of De Pere to add their sign to the City sign. At this meeting staff informed the BOPW the Wisconsin Department of Transportation (DOT) issued permits for both of these signs and the signs are owned by the City. The original sign was installed by the Lions Club. The BOPW approved allowing the Women's Club to add their sign to the City signs. The BOPW approved at the March 9, 2015 meeting a policy regarding the service signs. (See attached staff memo, policy and meeting minutes).

If the BOPW determines they want to continue with allowing service signs at these locations, staff would recommend the policy be revised with the following:

- Define who owns the sign. As mentioned above, the City is the owner
- Define who is responsible for the costs to maintain the sign. Staff would recommend the service clubs be responsible for these costs.
- Define what organizations can be on the sign. As mentioned above, the Pink Flamingos have an interest of having a sign installed.



Board of Public Works

335 South Broadway
De Pere, WI 54115

<https://www.deperewi.gov/>

Regular Meeting

Final Minutes

Monday, January 8, 2024

7:30 PM

Council Chambers and Virtual

I. Call to Order

The meeting was called to order at 7:30 PM by Mayor James Boyd

Attendee Name	Title	Status	Arrived
James Boyd	Mayor	Present	
Dan Carpenter	Aldersperson	Present	
Jonathon Hansen	Aldersperson	Present	
Shana Defnet Ledvina	Aldersperson	Excused	
Dean Raasch	Aldersperson	Present	

Scott Thoresen, Director of Public Works

Eric Rakers, City Engineer

Chase Kuffel, Assistant City Engineer

Marty Kosobucki, Parks, Recreation & Forestry Director

Larry Delo, City Administrator

Betty Marovich, Recording Secretary

Eric Zygarlicke, Water Department Supervisor (Remote)

Shannon Metzler, HR Director (Remote)

II. Public comment upon matters not on the agenda. Comments made during the public comment period shall pertain only to matters under the jurisdiction of the Board of Public Works. Section 6-3(f) DPMC

None

III. Items

1. Approval of the November 13, 2023 Board of Public Works Meeting Minutes

Aldersperson Raasch moved to approve the November 13, 2023 Board of Public Works Meeting Minutes, seconded by Aldersperson Carpenter. Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Aldersperson
SECONDER:	Dan Carpenter, Aldersperson
AYES:	James Boyd, Dan Carpenter, Jonathon Hansen, Dean Raasch
EXCUSED:	Shana Defnet Ledvina

2. Consider and Possible Action on Replacing Existing Service Signs on S. Broadway & Bicentennial Park*

Scott Thoresen, Director of Public Works, outlined the previous action taken by the Board of Public Works in October 2023 regarding the service signs. Mr. Thoresen stated that following the October 2023 meeting, notices were sent to the service groups outlining the action taken by the Board. Mr. Thoresen received replies from multiple service groups requesting to keep the signs on S. Broadway and Bicentennial Park. Mr. Thoresen further outlined a policy from 2015 regarding the service signs. Mr. Thoresen recommended changes to the policy if the Board decided to retain the signs at the request

of the service groups. Mr. Thoresen explained revisions requested by the service groups and whether staff approved these recommendations or not. These recommendations included:

1. Under the section II Plaques on City Welcome Signs B Requirements sub section 5, recommended the following: if the Director is not able to contact the Civic group the sign maybe destroyed after 60 days. Staff did not have an issue with this revision.
2. Under IX Placement/Removal of Signs Subsection B; it may take longer than a month to replace a sign, recommend that the Director may approve a plan for replacement. Staff did not have a problem with this revision.
3. Suggested a new section to the policy outlining the following. Maintenance of Sign Structure and Area:
 - a. The City will maintain the Landscape area around the sign including trimming or removal trees to maintain the aesthetic of the sign including a proper sight line. Staff did not have a problem with this revision.
 - b. Maintain the structure of the sign by periodic sanding, prepping, and painting. The estimated cost for materials will be born by the civic groups. Labor is to be provided by the City. Staff did not agree with City providing labor and stated all costs should be the responsibility of the service groups.
 - c. Structural issues with the sign will be discussed by the Civic Groups for possible replacement. Staff suggested spelling out that costs would be the responsibility of the service groups.
4. Suggested that under the first paragraph that the City will endeavor to provide such areas for displaying such signage to foster an engaged community spirit. Staff did not believe there should be any other messages on the sign other than what is presently displayed.

Aldersperson Carpenter asked if there was a limit on the size of the sign and how many civic groups could be included. Mr. Thoresen responded that nine could be included based on the 2015 policy. Aldersperson Carpenter stated his preference to have all the service groups contacted and allow them to get on the signs to show support of the service groups. Mr. Thoresen explained that based on the size of the current structure, nine signs could fit and that making the signs smaller in order to fit more would cause them to not be able to be read. Mr. Thoresen further explained that the original signs were chosen on a first come-first serve basis with a waiting list after the nine spots were filled; if a group was to become inactive or take down their sign then the next group on the wait list would be given the opportunity to install their sign. Aldersperson Carpenter requested if the sign was redesigned that more groups be able to display signs. Mayor Boyd stated that the civic groups are all represented that he could think of. Aldersperson Hansen read the policy definition and stated that it would cover groups such as Pink Flamingo for inclusion. Mayor Boyd stated that he could think of about 15 organizations that would qualify under that definition and suggested making the definition stricter rather than opening it up for those groups. Aldersperson Hansen asked if staff was aware of any inactive groups being displayed currently, such as Ecumenical Partnership for Housing. Mr. Thoresen stated that he did not think that organization was active and has not heard from them when he sent out notices. Mr. Thoresen added that staff would plan to take down plaques from groups that have not responded.

Mayor Boyd moved to open the meeting at 7:43 PM, seconded by Aldersperson Carpenter

Mike Stumpf, 1826 Briarwood Ct, thanked the Board for the opportunity to speak in favor of keeping the service signs. Mr. Stumpf asked if the original complaint had been resolved regarding the service signs. Alderperson Hansen replied that the landscaping had been cleaned up but the paint and signs have not been refreshed.

Mr. Stumpf asked if the signs were structurally sound. Mr. Thoresen stated they have not been evaluated. Mayor Boyd stated they would be evaluated.

Mr. Stumpf appreciated that staff agreed with some of the recommendations for revisions to the 2015 policy. Mr. Stumpf explained his position with regards to the cost of materials and labor and why he recommended it the way he did. Mr. Stumpf, on behalf of the Lions Club, offered to take the lead for paying for materials and billing service groups.

Pat Lennon, 553 Fernando Dr, informed the Board that the Ecumenical Partnership for Housing was active and connected to the De Pere Christian Outreach and Food Pantry. Mayor Boyd asked if Mr. Lennon could let the group know that the City was trying to reach them.

Dave Reinardy, 446 Wilcox Ct, on behalf of De Pere Rotary, stated his support of the policy and retaining the service signs.

Mayor Boyd moved to return to regular session at 7:50 PM, seconded by Alderperson Raasch. Upon vote, the motion passed unanimously.

Alderperson Carpenter asked if the policy was still in place that allowed groups to use City equipment. Mr. Thoresen explained that policy no longer existed because of liability. Mayor Boyd suggested strengthening the definition of a civic group in the policy. Mr. Thoresen stated that staff would work with the City Attorney to re-draft the policy for the service group signs to include the revisions discussed and bring back to the Board for consideration around March. Mr. Thoresen stated that he would also have staff evaluate the structure of the current signs, likely this spring. Mayor Boyd asked for further clarification with regards to who will perform maintenance and repairs. Mr. Thoresen stated that if staff can perform the maintenance and repairs internally it would be charged back to the service groups and if staff is unable to complete the work and a contractor needs to be brought in, staff would discuss with the service groups whether they will move forward with those repairs at their expense. Mr. Thoresen added that in the event of large-scale structural repairs, discussions could be had regarding adding to the overall size of the signs to include more groups. Alderperson Raasch clarified that the City owned the signs, but were requesting that the service groups participate in the maintenance and costs associated with such. Mr. Thoresen and Mayor Boyd stated that was the intent. Alderperson Raasch suggested that a definition of a civic group may exist that states qualifying criteria for becoming a civic group that may strengthen the policy. Alderperson Raasch questioned how much the service groups would be able and willing to participate financially for repairs, which could take monies away from the causes they support and would Lions Club be able to up-front the monies for repairs as offered by Mr. Stumpf. Alderperson Carpenter expressed interest in finding funds to assist with service group repairs to the signs. Mayor Boyd suggested waiting until costs are better known before committing funding. Alderperson Raasch suggested public works having a line item in the budget for service group sign repairs. Larry Delo, City Administrator, explained that if monies are budgeted in the future, they need "serve a public purpose" and cannot be arbitrary.

Mayor Boyd moved to open the meeting at 8:02 PM, seconded by Alderperson Raasch. Upon vote, the motion passed unanimously.

Mr. Stumpf explained why he suggested that the City perform the maintenance and repairs including liability concerns over having older individuals on ladders on City property. Mr. Stumpf added that when he thinks of events in De Pere, he thinks of Pink Flamingo and Celebrate De Pere, and Mr. Stumpf added that he believed both have contributed substantially to the City. Mr. Stumpf stated that he believes the service signs directly relate to the City mission statement to "foster and engage community spirit". Mr. Stumpf suggested adding the City logo to the top of the service signs. Mr. Lennon agreed with Mr. Stumpf with regards to the potential liability of having service group members working on City property and suggested having an annual rental fee per sign to cover labor costs for maintenance. Mr. Lennon added that the City could insure the sign on their property and have it covered in the event of an accident, but the service groups could not and would be covering the cost of replacement.

Mayor Boyd moved to return to regular session at 8:07 PM, seconded by Alderperson Raasch. Upon vote, the motion passed unanimously.

Alderperson Carpenter requested staff work with the service groups to finalize the policy following the discussions and ideas brought up and bring the policy back for consideration. Mr. Thoresen stated staff's first step will be to update the policy and get that approved by the service groups, legal department, and the Board. Alderperson Hansen stated his support for the City owning the sign, adding the City logo, and providing the labor for upkeep. Alderperson Raasch stated his concerns over cost and the need to have serious conversations with regards to who covers major repairs or replacements. Alderperson Raasch also stated his support of an annual fee from service groups displayed on the signs to help cover maintenance labor costs. Mayor Boyd stated that annual fees are difficult to track but will remain part of the conversations moving forward for policy revisions.

Mayor Boyd moved to retain the signs, seconded by Alderperson Carpenter. Upon vote, the motion passed unanimously.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Boyd, Mayor
SECONDER:	Dan Carpenter, Alderperson
AYES:	James Boyd, Dan Carpenter, Jonathon Hansen, Dean Raasch
EXCUSED:	Shana Defnet Ledvina

3. Consideration and possible action on Main Avenue Underpass Maintenance

Marty Kosobucki, Parks, Recreation & Forestry Director, summarized the options provided by staff for maintenance of the Main Avenue underpass including:

1. full maintenance, which was not recommended by staff or insurance. This option would require multiple personnel, equipment, and full traffic control operations, along with the purchase of a new slope mower.
2. acquire boom mower to mow the hillside; staff does not believe a larger boom mower will reach the entire hillside and will still require additional maintenance around obstacles and full traffic control operations.
3. contract service for mowing slope. Staff reached out to 18 local companies and none had interest in completing this work.

**CITY OF DE PERE
CIVIC GROUP WELCOME PLAQUE POLICY
(5/2024)**

I. PURPOSE

The City of De Pere (“City”) hereby establishes limited public forums via this Policy regarding the placement of plaques for the purpose of publicizing civic groups active in the City and to foster an engaged community spirit. The City expressly declines to designate any of the locations identified in this policy as ‘traditional’ public forums. Further, the City finds that, in order to protect the public interest in maintaining the aesthetics of the City and in the interest of promoting the City and its civic vitality, it is in the public interest to establish this Policy.

II. PLAQUES ON CITY WELCOME SIGNS

A. Application

1. All requests or applications for the placement of civic group plaques on or around the City’s welcome sign shall be made to the Director of Public Works (“Director”). The applicant shall comply with any and all updated plaque standards created after this Policy is adopted.
2. The Director shall review the application. If any request fails to meet any of the requirements of this Policy, Director may deny the request.
3. A \$100 application fee shall accompany the application to offset the costs of review, administration, and installation. The fee applies to new civic group plaque installations.
 - i. There is no fee for plaques replaced due to fading.
 - ii. There is no fee if the City rearranges existing plaques.
 - iii. If the new plaque application is not approved, the installation portion of the fee may be returned.

B. Requirements

1. Approval of the plaque may be based upon the following:
 - (a) Plaque placement shall be for existing civic organizations active within the corporate limits of the City. A civic organization is defined as an association, society or similar group that includes one or more city non-profit organizations. Active is defined as completing at least one activity for the benefit of the community on a yearly basis.
2. Applications shall be accepted on a first come-first served basis.
3. If the City welcome signs are full, which is defined as nine (9) plaques, then any new plaques will not be added until another civic group plaque is removed or a new City welcome sign is created allowing for additional space.
4. The Director may remove civic group plaques as follows:
 - (a) The civic group is no longer located within the corporate limits of the City; or
 - (b) A civic group is no longer active within the corporate limits of the City.
5. Prior to removing a sign, the Director may direct City staff to contact to contact the appropriate civic group. If the Director determines that the plaque should be removed pursuant to the terms of this Policy, City staff will remove the plaque and return to the civic group. If the civic group does not want the plaque, City staff may dispose of the plaque. If City staff is unable to make contact or reach the civic group, the plaque may be destroyed after sixty (60) days from the date of the initial attempted notification.
6. Plaques shall not bear the name or likeness of any alcohol beverage or tobacco product.
7. All plaques shall be constructed of a material conforming to City sign standards.

III. PLACEMENT/REMOVAL OF PLAQUES

- A. When new plaques are approved, the civic group shall supply the plaque to the City. The plaque size shall conform to City standards established for the other civic group plaques on the City's sign. The plaque shall be installed by City at City's cost, which shall be included in the application fee. The civic group shall be responsible for the cost of the plaque.
- B. All plaques shall be erected and removed only by the City. If plaques become deteriorated and/or faded, the Director shall notify the Civic group of the issue. The Civic group may be given up to one month to repair or replace the plaque. If the sign repair or replacement cannot be done within one month, Director in their sole discretion may approve an extended timeline for the repair/replacement. If the plaque is not repaired or replaced during this time, City may remove the plaque.

III. MAINTENANCE OF CITY WELCOME SIGN STRUCTURE AND AREA

- A. The City shall maintain the Landscape area around the City welcome sign including without limitation trimming or removal of trees to maintain the aesthetic of the sign including a proper sight line.
- B. The City shall maintain the structure of the City welcome sign by periodic sanding, prepping, and painting. All costs for labor and materials for the City welcome sign shall be borne jointly and severally by all civic groups with installed plaques.

- C. Any structural issues with the plaque may be discussed by the civic groups for possible replacement. The costs of replacement or structural issues shall be the responsibility of the civic groups.

X:\Policies\Draft\Civic_Group_Sign_Policy.doc

Scott Thoresen

From: Mike Stumpf <mrstumpf@new.rr.com>
Sent: Saturday, June 1, 2024 9:32 AM
To: Scott Thoresen
Cc: Jack Driscoll; David Reinardy; Thomas Franken; DePereKiwanisClub@gmail.com; Craig Rosner; Pat Lennon; gerritsm@att.net; Pete Mickelson; Patrick Moran; Idahlke@yahoo.com; DePere Lions; Bruce Kettner; Tony Fietzer; Larry Delo; James Boyd; Anthony Wachewicz
Subject: Re: Service Club Signs

Some people who received this message don't often get email from mrstumpf@new.rr.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Lions have a number of points of disagreement with the policy and your statements.

1.

The current policy (not proposed policy) state that signs will be replaced by the department without cost. I don't understand the need for the \$100 charge now for an application.

2.

It states that the civic groups will pay for maintenance and replacement. How is this going to be determined if all slots are not filled on the sign? What if only 2/3 of the slots are used?

3.

The labor rates quoted seem to mirror marketplace/ for profit and not cost for city employees.

4.

Without designs of the new structure it is difficult for the groups to agree to a blank check.

5.

Will the city of De Pere be represented on the sign?

6.

Is there a requirement for a DOT approval?

7.

Will this work qualify for any grants? Community grants?

The De Pere Lions Club truly desires to support the civic club signs. We believe it is one way for the citizens in De Pere to understand the community spirit and the potential resources available to them. These groups help build wheelchair ramps, sponsor grants for individuals affected by cancer, and directly sponsor city events, xmas lights, beer gardens, city employee awards and many others.

My recommendation for motion is that the City table the new structure, Until the policy and design can be further developed. Paint the current sign and enforce the current policy. (Replace faded signs and tabulate information for groups to be represented.)

Respectfully submitted

Mike Stumpf

De Pere Lions

On Apr 30, 2024, at 1:55 PM, Scott Thoresen <sthoresen@deperewi.gov> wrote:

Scott Thoresen

From: Jack Driscoll <jacdriscoll@aol.com>
Sent: Saturday, June 1, 2024 12:11 PM
To: Scott Thoresen; Mike Stumpf
Cc: David Reinardy; Thomas Franken; deperekiwanisclub@gmail.com; Craig Rosner; Pat Lennon; gerritsm@att.net; Pete Mickelson; Patrick Moran; idahlke@yahoo.com; DePere Lions; Bruce Kettner; Tony Fietzer; Larry Delo; James Boyd; Anthony Wachewicz
Subject: Re: Service Club Signs De Pere Area Mens Club: DPAMC

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As originally stated, DPAMC is fully supportive of expending volunteer time and limited resources to refurbish the existing Civic Club signs.

The proposed policy direction seems directed differently. Candidly, the allocation of significant Club funds toward new signage has been determined to be poor use of funds by DPAMC Board.

On Saturday, June 1, 2024 at 09:32:41 AM CDT, Mike Stumpf <mrstumpf@new.rr.com> wrote:

The Lions have a number of points of disagreement with the policy and your statements.

1. The current policy (not proposed policy) state that signs will be replaced by the department without cost. I don't understand the need for the \$100 charge now for an application.
2. It states that the civic groups will pay for maintenance and replacement. How is this going to determined if all slots are not filled on the sign? What if only 2/3 of the slots are used?
3. The labor rates quoted seem to mirror marketplace/ for profit and not cost for city employees.
4. Without designs of the new structure it is difficult for the groups to agree to a blank check.
5. Will the city of De Pere be represented on the sign?
6. Is there a requirement for a DOT approval?
7. Will this work qualify for any grants? Community grants?

The De Pere Lions Club truly desires to support the civic club signs. We believe it is one way for the citizens in De Pere to understand the community spirit and the potential resources available to them. These groups help build wheelchair ramps, sponsor grants for individuals affected by cancer, and directly sponsor city events, xmas lights, beer gardens, city employee awards and many others.

My recommendation for motion is that the City table the new structure, Until the policy and design can be further developed. Paint the current sign and enforce the current policy. (Replace faded signs and tabulate information for groups to be represented.)

Respectively submitted
 Mike Stumpf
 De Pere Lions

On Apr 30, 2024, at 1:55 PM, Scott Thoresen <sthoresen@deperewi.gov> wrote:

Good Afternoon Mike,

Scott Thoresen

From: gerritsm@att.net
Sent: Friday, May 31, 2024 3:39 PM
To: 'Mike Stumpf'; Scott Thoresen
Subject: RE: Service Club Signs

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My only feedback is that this policy seems too vague in the areas of being active and status.

I do like the requirement that the definition of a civic organization includes one or more city non-profit organizations.

I am curious on how the City would audit these organizations to make sure that they have an active standing as a non profit and are active in the city limits or doing the minimum of one activity a year. Will we be required in the future to provide tax exempt status is up to date and a yearly summary of activities and charities donated to keep a good standing?

Thanks,

Mark Gerrits
 Knight of Columbus Abbot Pennings Council #3955

-
1. Approval of the plaque **may** be based upon the following:
 - (a) Plaque placement shall be for existing civic organizations active within the corporate limits of the City. A civic organization is defined as an association, society or similar group that includes one or more city non-profit organizations. **Active is defined as completing at least one activity for the benefit of the community on a yearly basis.**
 2. Applications shall be accepted on a first come-first served basis.
 3. If the City welcome signs are full, which is defined as nine (9) plaques, then any new plaques will not be added until another civic group plaque is removed or a new City welcome sign is created allowing for additional space.
 4. The Director may remove civic group plaques as follows:
 - (a) The civic group is no longer located within the corporate limits of the City; or
 - (b) A civic group is no longer active within the corporate limits of the City.**

From: Mike Stumpf <mrstumpf@new.rr.com>
Sent: Monday, April 29, 2024 8:14 PM
To: Jack Driscoll <jacdriscoll@aol.com>; David Reinardy <dave.reinardy67@gmail.com>; Thomas Franken <tjfranken82@gmail.com>; DePereKiwanisClub@gmail.com; Craig Rosner <rosner.craig@gmail.com>; Pat Lennon <lennon_pat@icloud.com>; gerritsm@att.net; Pete Mickelson <vlegger@ameritech.net>; Patrick Moran <pmoran3147@gmail.com>; Idahlke@yahoo.com; DePere Lions <deperelionsclub@gmail.com>; Bruce Kettner



City of De Pere, Wisconsin

Request For Board of Public Works Action

MEETING DATE: June 10, 2024

DEPARTMENT: Engineering

FROM: Eric Rakers

SUBJECT: Consideration and possible action on Award of Contract 24-08
Manhole Rehabilitation*

ATTACHMENTS:

- 2024 0610 CI_BOPW_Consider_Award_of_Contract_24-08 (PDF)
- 2024 0516 CE_Project 24-08_Bid Tab (PDF)

CITY OF DE PERE MEMO



To: Honorable Mayor Boyd
Members of the Board of Public Works
From: Eric P. Rakers, P.E., City Engineer
Date: June 10, 2024

RE: **Consideration and possible action on Award of Contract 24-08 Manhole Rehabilitation***

The Engineering Division received bids on Project 24-08 Manhole Rehabilitation on May 16, 2024. This project involves the repair and rehabilitation of manholes throughout the City through the application of a spray-on liner, installation of a manhole bench, or chemically grouting leaks entering the manhole. The bids received are as follows:

Contractor	Base Bid
Great Lakes TV Seal, Inc.	\$46,825.00
Aqualis	\$54,960.45
Summit Infrastructure	\$67,629.00
KIM Construction Company	\$117,450.00
National Power Rodding Corporation	\$145,695.00

The allocated amount from the capital improvement budget is \$50,000.00 from the sewerage revenue fund.

Staff's recommendation is to award the contract to Great Lakes TV Seal, Inc. in the amount of \$46,825.00.

Attachments:

- Project 24-08 Bid Tab



**Project 24-08
Manhole Rehabilitation**

				BIDDER NO. 1		BIDDER NO. 2		BIDDER NO. 3		BIDDER NO. 4		BIDDER NO. 5	
				Great Lakes TV Seal, Inc.		Aqualis		Summit Infrastructure		KIM Construction Company Inc		National Power Rodding Corp	
ITEM	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT BID	UNIT PRICE	AMOUNT BID	UNIT PRICE	AMOUNT BID	UNIT PRICE	AMOUNT BID	UNIT PRICE	AMOUNT BID
SP-01	Spray-On Liner	VF	165	\$175.00	\$28,875.00	\$196.73	\$32,460.45	\$276.00	\$45,540.00	\$310.00	\$51,150.00	\$663.00	\$109,395.00
SP-02	Pour in Place Bench	EA	1	\$2,950.00	\$2,950.00	\$1,500.00	\$1,500.00	\$1,785.00	\$1,785.00	\$1,500.00	\$1,500.00	\$7,500.00	\$7,500.00
SP-03	Chemical Grout Manhole	EA	24	\$625.00	\$15,000.00	\$875.00	\$21,000.00	\$846.00	\$20,304.00	\$2,700.00	\$64,800.00	\$1,200.00	\$28,800.00
TOTAL AMOUNT BID:				\$46,825.00		\$54,960.45		\$67,629.00		\$117,450.00		\$145,695.00	



City of De Pere, Wisconsin

Request For Board of Public Works Action

MEETING DATE: June 10, 2024

DEPARTMENT: Engineering

FROM: Eric Rakers

SUBJECT: Consideration and possible action on Compliance Maintenance
Annual Report for Wastewater Collection System*

ATTACHMENTS:

- 2024 0610 CI_BOPW_Consider_CMAR (PDF)
- mycmar-5 (PDF)

CITY OF DE PERE MEMO



To: Honorable Mayor Boyd
Members of the Board of Public Works
From: Eric P. Rakers, P.E., City Engineer
Date: June 10, 2024

RE: **Consideration and possible action on Compliance Maintenance Annual Report for Wastewater Collection System***

The Engineering Department has completed the Compliance Maintenance Annual Report (CMAR) for the wastewater collection system. The CMAR is required by the Wisconsin Department of Natural Resources. The report scores the City wastewater collection system based on Financial Management and the Collection System.

Included with this memo are the results of the CMAR. The City received a grade A on the Financial Management and A on the Collection System.

Staff recommends the BOPW approve the Report for submittal to the WDNR.

Compliance Maintenance Annual Report

3.4.b

De Pere Sewage Collection System

Last Updated: Reporting For:
5/30/2024 2023

Financial Management

1. Provider of Financial Information

Name:

Pamela Manley

Telephone:

920-339-4041

(XXX) XXX-XXXX

E-Mail Address
(optional):

pmanley@deperewi.gov

2. Treatment Works Operating Revenues

2.1 Are User Charges or other revenues sufficient to cover O&M expenses for your wastewater treatment plant AND/OR collection system ?

● Yes (0 points) ☐

○ No (40 points)

If No, please explain:

2.2 When was the User Charge System or other revenue source(s) last reviewed and/or revised?
Year:

2022

● 0-2 years ago (0 points) ☐

○ 3 or more years ago (20 points) ☐

○ N/A (private facility)

2.3 Did you have a special account (e.g., CWP required segregated Replacement Fund, etc.) or financial resources available for repairing or replacing equipment for your wastewater treatment plant and/or collection system?

● Yes (0 points)

○ No (40 points)

0

REPLACEMENT FUNDS [PUBLIC MUNICIPAL FACILITIES SHALL COMPLETE QUESTION 3]

3. Equipment Replacement Funds

3.1 When was the Equipment Replacement Fund last reviewed and/or revised?

Year:

2022

● 1-2 years ago (0 points) ☐

○ 3 or more years ago (20 points) ☐

○ N/A

If N/A, please explain:

3.2 Equipment Replacement Fund Activity

3.2.1 Ending Balance Reported on Last Year's CMAR

\$ 150,000.00

3.2.2 Adjustments - if necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)

\$ 0.00

3.2.3 Adjusted January 1st Beginning Balance

\$ 150,000.00

3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)

+ \$ 0.00

Compliance Maintenance Annual Report

3.4.b

De Pere Sewage Collection System

Last Updated: Reporting For:
5/30/2024 2023

3.2.5 Subtractions from Fund (e.g., equipment replacement, major repairs - use description box 3.2.6.1 below*)

- \$ 0.00

3.2.6 Ending Balance as of December 31st for CMAR Reporting Year

\$ 150,000.00

All Sources: This ending balance should include all Equipment Replacement Funds whether held in a bank account(s), certificate(s) of deposit, etc.

3.2.6.1 Indicate adjustments, equipment purchases, and/or major repairs from 3.2.5 above.

3.3 What amount should be in your Replacement Fund? \$ 150,000.00

0

Please note: If you had a CWFPP loan, this amount was originally based on the Financial Assistance Agreement (FAA) and should be regularly updated as needed. Further calculation instructions and an example can be found by clicking the SectionInstructions link under Info header in the left-side menu.

3.3.1 Is the December 31 Ending Balance in your Replacement Fund above, (#3.2.6) equal to, or greater than the amount that should be in it (#3.3)?

☒ Yes

☐ No

If No, please explain.

4. Future Planning

4.1 During the next ten years, will you be involved in formal planning for upgrading, rehabilitating, or new construction of your treatment facility or collection system?

☒ Yes - If Yes, please provide major project information, if not already listed below. ☐ ☐

☐ No

Project #	Project Description	Estimated Cost	Approximate Construction Year
1	Sewer Televising/Repairs	\$710,000	2024
2	Sewer Lining	\$516,000	2024
3	Sewer Televising/Repairs	\$500,000	2025
4	Sewer Lining/Relay	\$900,000	2025
5	Sewer Televising/Repairs	\$500,000	2026
6	Sewer Lining/Relay	\$900,000	2026
7	Sewer Televising/Repairs	\$500,000	2027
8	Sewer Lining/Relay	\$900,000	2027
9	Sewer Televising/Repairs	\$500,000	2028
10	Sewer Lining/Relay	\$900,000	2028

5. Financial Management General Comments

ENERGY EFFICIENCY AND USE

6. Collection System

6.1 Energy Usage

6.1.1 Enter the monthly energy usage from the different energy sources:

COLLECTION SYSTEM PUMPAGE: Total Power Consumed

Number of Municipally Owned Pump/Lift Stations: 2

Compliance Maintenance Annual Report

3.4.b

De Pere Sewage Collection System

Last Updated: Reporting For:
5/30/2024 2023

	Electricity Consumed (kWh)	Natural Gas Consumed (therms)
January	5	
February	5	
March	5	
April	5	
May	10	
June	15	
July	15	
August	15	
September	13	
October	13	
November	13	
December	14	
Total	128	0
Average	11	0

6.1.2 Comments:

6.2 Energy Related Processes and Equipment

6.2.1 Indicate equipment and practices utilized at your pump/lift stations (Check all that apply):

- ☐ Comminution or Screening
- ☐ Extended Shaft Pumps
- ☒ Flow Metering and Recording
- ☐ Pneumatic Pumping
- ☒ SCADA System
- ☐ Self-Priming Pumps
- ☒ Submersible Pumps
- ☐ Variable Speed Drives
- ☐ Other:

6.2.2 Comments:

6.3 Has an Energy Study been performed for your pump/lift stations?

● No

○ Yes

Year:

By Whom:

Describe and Comment:

6.4 Future Energy Related Equipment	
6.4.1 What energy efficient equipment or practices do you have planned for the future for your pump/lift stations?	
None. The Ryan Road lift station was constructed in 2018 and the S. Stellita lift station in 2023.	

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

Compliance Maintenance Annual Report

3.4.b

De Pere Sewage Collection System

Last Updated: Reporting For:
5/30/2024 2023

Sanitary Sewer Collection Systems

1. Capacity, Management, Operation, and Maintenance (CMOM) Program

1.1 Do you have a CMOM program that is being implemented?

- ☒ Yes
- ☐ No

If No, explain:

1.2 Do you have a CMOM program that contains all the applicable components and items according to Wisc. Adm Code NR 210.23 (4)?

- ☒ Yes
- ☐ No (30 points)
- ☐ N/A

If No or N/A, explain:

1.3 Does your CMOM program contain the following components and items? (check the components and items that apply)

☒ Goals [NR 210.23 (4)(a)]

Describe the major goals you had for your collection system last year:

Continue to rehabilitate sewer in areas of street improvements, including sanitary laterals in the right of way.

Did you accomplish them?

- ☒ Yes
- ☐ No

If No, explain:

☒ Organization [NR 210.23 (4) (b)] ☐ ☐

Does this chapter of your CMOM include:

- ☒ Organizational structure and positions (eg. organizational chart and position descriptions)
- ☐ Internal and external lines of communication responsibilities
- ☐ Person(s) responsible for reporting overflow events to the department and the public

☒ Legal Authority [NR 210.23 (4) (c)]

What is the legally binding document that regulates the use of your sewer system?

Sewer Use Ordinance

If you have a Sewer Use Ordinance or other similar document, when was it last reviewed and revised? (MM/DD/YYYY) 2007-12-18

Does your sewer use ordinance or other legally binding document address the following:

- ☒ Private property inflow and infiltration
- ☒ New sewer and building sewer design, construction, installation, testing and inspection
- ☒ Rehabilitated sewer and lift station installation, testing and inspection
- ☒ Sewage flows satellite system and large private users are monitored and controlled, as necessary
- ☒ Fat, oil and grease control
- ☒ Enforcement procedures for sewer use non-compliance

☒ Operation and Maintenance [NR 210.23 (4) (d)]

Does your operation and maintenance program and equipment include the following:

- ☒ Equipment and replacement part inventories
- ☒ Up-to-date sewer system map

Compliance Maintenance Annual Report

3.4.b

De Pere Sewage Collection System

Last Updated: Reporting For:
5/30/2024 2023

- ☒ A management system (computer database and/or file system) for collection system information for O&M activities, investigation and rehabilitation
- ☒ A description of routine operation and maintenance activities (see question 2 below)
- ☒ Capacity assessment program
- ☒ Basement back assessment and correction
- ☒ Regular O&M training

- ☒ Design and Performance Provisions [NR 210.23 (4) (e)] ☐ ☐

What standards and procedures are established for the design, construction, and inspection of the sewer collection system, including building sewers and interceptor sewers on private property?

- ☒ State Plumbing Code, DNR NR 110 Standards and/or local Municipal Code Requirements
- ☒ Construction, Inspection, and Testing
- ☐ Others:

- ☒ Overflow Emergency Response Plan [NR 210.23 (4) (f)] ☐ ☐

Does your emergency response capability include:

- ☒ Responsible personnel communication procedures
- ☒ Response order, timing and clean-up
- ☒ Public notification protocols
- ☒ Training
- ☒ Emergency operation protocols and implementation procedures

- ☒ Annual Self-Auditing of your CMOM Program [NR 210.23 (5)] ☐ ☐

- ☐ Special Studies Last Year (check only those that apply):

- ☐ Infiltration/Inflow (I/I) Analysis
- ☐ Sewer System Evaluation Survey (SSES)
- ☐ Sewer Evaluation and Capacity Management Plan (SECAP)
- ☐ Lift Station Evaluation Report
- ☐ Others:

0

2. Operation and Maintenance

2.1 Did your sanitary sewer collection system maintenance program include the following maintenance activities? Complete all that apply and indicate the amount maintained.

Cleaning	35	% of system/year
Root removal	5	% of system/year
Flow monitoring	0	% of system/year
Smoke testing	0	% of system/year
Sewer line televising	6	% of system/year
Manhole inspections	35	% of system/year
Lift station O&M	2	# per L.S./year
Manhole rehabilitation	1.3	% of manholes rehabbed
Mainline rehabilitation	1.3	% of sewer lines rehabbed
Private sewer inspections	0	% of system/year

Compliance Maintenance Annual Report

3.4.b

De Pere Sewage Collection System

Last Updated: Reporting For:
5/30/2024 2023

Private sewer I/I removal % of private services

River or water crossings % of pipe crossings evaluated or maintained

Please include additional comments about your sanitary sewer collection system below:

3. Performance Indicators

3.1 Provide the following collection system and flow information for the past year.

27.65	Total actual amount of precipitation last year in inches
30.61	Annual average precipitation (for your location)
108.8	Miles of sanitary sewer
2	Number of lift stations
0	Number of lift station failures
0	Number of sewer pipe failures
0	Number of basement backup occurrences
6	Number of complaints
3.49	Average daily flow in MGD (if available)
6.05	Peak monthly flow in MGD (if available)
.25	Peak hourly flow in MGD (if available)

3.2 Performance ratios for the past year:

0.00	Lift station failures (failures/year)
0.00	Sewer pipe failures (pipe failures/sewer mile/yr)
0.00	Sanitary sewer overflows (number/sewer mile/yr)
0.00	Basement backups (number/sewer mile)
0.06	Complaints (number/sewer mile)
1.7	Peaking factor ratio (Peak Monthly:Annual Daily Avg)
0.1	Peaking factor ratio (Peak Hourly:Annual Daily Avg)

4. Overflows

LIST OF SANITARY SEWER (SSO) AND TREATMENT FACILITY (TFO) OVERFLOWS REPORTED **

Date	Location	Cause	Estimated Volume
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None reported

** If there were any SSOs or TFOs that are not listed above, please contact the DNR and stop work on this section until corrected.

5. Infiltration / Inflow (I/I)

5.1 Was infiltration/inflow (I/I) significant in your community last year?

- ☒ Yes
☐ No

If Yes, please describe:

The City experiences high flows in some older areas.

5.2 Has infiltration/inflow and resultant high flows affected performance or created problems in your collection system, lift stations, or treatment plant at any time in the past year?

- ☐ Yes

Compliance Maintenance Annual Report

3.4.b

De Pere Sewage Collection System

Last Updated: Reporting For:
5/30/2024 **2023**

● No If Yes, please describe: 5.3 Explain any infiltration/inflow (I/I) changes this year from previous years: None. 5.4 What is being done to address infiltration/inflow in your collection system? The City has implemented a sump pump installation program. We are also performing a test for a full lateral relay program.	
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Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

Grading Summary

WPDES No: 0047341

SECTIONS	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Financial	A	4	1	4
Collection	A	4	3	12
TOTALS			4	16
GRADE POINT AVERAGE (GPA) = 4.00				

Notes:

A = Voluntary Range (Response Optional)

B = Voluntary Range (Response Optional)

C = Recommendation Range (Response Required)

D = Action Range (Response Required)

F = Action Range (Response Required)



City of De Pere, Wisconsin

Request For Board of Public Works Action

MEETING DATE: June 10, 2024

DEPARTMENT: Engineering

FROM: Chase Kuffel

SUBJECT: Consideration and Possible Action on Updates to the City of De Pere
Municipal Code to Mandate Sump Pump Installation*

ATTACHMENTS:

- FDDP Update Packet (PDF)

CITY OF DE PERE MEMO



To: Honorable Mayor Boyd
Members of the Board of Public Works
From: Chase K. Kuffel, PE, Assistant City Engineer
Date: June 10, 2024

RE: **Consideration and Possible Action on Updates to the City of De Pere Municipal Code to Mandate Sump Pump Installation***

Purpose Statement

The memo serves to update the Board of Public Works on the status of the Foundation Drain Disconnection Program. Included with this memo are proposed revisions to the City of De Pere Municipal Code requiring the mandate of city-wide sump pump installation for the Board's consideration and approval. A summary of municipal code revisions is included with this memo.

Updates

Phase I – Education and Outreach

Staff continues to correspond with residents about the Foundation Drain Disconnection Program. In total 955 parcels have reached out to staff regarding this program. Staff has yet to hear from 1,458 properties that were included in the program area.

Phase II – Further Field Investigation

The Building Inspection Division and Engineering Division Staff are also confirming the presence of sump pumps as part of their inspections, where applicable, and are sharing if homes would potentially be eligible for reimbursement as part of this program. As part of the last policy update for the FDDP, a preliminary inspection is now required for all homes within the program area to assist in determining if there are foundation drains present and the best steps moving forward for interested individuals. Engineering Staff are now accompanying Building Inspection Staff on preliminary inspection visits with a push camera to determine if foundation drains are present underneath the basement slab or outside of the basement foundation wall.

Phase III – Foundation Drain Disconnection Program

34 parcels have voluntarily participated in the Foundation Drain Disconnection Program and have installed sump pumps. As of May 29, 2024, \$101,818.54 of the \$341,873.00 in ARPA funds budgeted for sump pump installation have been expensed (30%). On average, a home that participates in the program receives less than \$3,000 in reimbursement funds. Staff do not have the impression that this program is being abused by homeowners or contractors as, on average, less than three-quarters of the maximum reimbursement is being remitted.

As previously discussed with the Board of Public Works, creating a map, and mandating that 100 properties install sump pumps on an annual basis would not be feasible due to the inequity between residents in year 1 and year 20. In lieu of a scheduled program rotating throughout the City, it was determined that sump pumps should then be mandated when inflow and infiltration is found to be actively discharged from a property. These instances can be identified through the City's annual preventative maintenance and inspection program. Based on discussion with the City's Legal and Development Services Departments, the following revisions are proposed to the City of De Pere Municipal Code to mandate that all properties install sump pumps moving forward:

Chapter 26 Water and Sewer Service (Exhibit 1)

- Section 26-5 Storm Drainage
 - Subsection (b): Added that foundation drains shall not drain into the sanitary sewer.
 - Subsection (c)(2): Any person receiving a permit to connect to the storm sewer shall now notify the Director of Public Works instead of the Street Superintendent.
 - Subsection (f): add that storm sewer discharges are not to flow into the sanitary sewer.
- Section 26-7 Sump Pump Installation
 - Subsection (a): Changed the requirement for sump pumps to reflect all buildings, not just those constructed after July 17, 1973.
 - Added subsection (c) to provide exemptions for those properties that may not require sump pumps (e.g. don't currently have a foundation drain and are not discharging ground water into the sanitary sewer system).

Chapter 66 Plumbing Code (Exhibit 2)

- Section 66-5 Inspections
 - Added subsection (6) to outline times when inspections may be completed to determine if there are prohibited connections. The following instances are listed:
 - In conjunction with another permit inspection.
 - When the Director of Public Works or the Development Services Director has evidence of a prohibited connection.
 - When high wastewater flows are detected and there is reasonable grounds to believe that flow is caused by a sanitary sewer service leak.
 - Upon receipt of a complaint to the Director of Public Works or Development Services Director.
 - When requested by the property owner.
 - If permission is not granted, the Director of Public Works or Development Services Director may apply for and obtain a special inspection warrant to make said inspection.
- Created Section 66-5.5 Noncompliance
 - Failure to comply with the plumbing code may result in the issuance of notice of noncompliance by the Development Services Director.
 - After notice is issued, property owners have 60 days to disconnect any prohibited connection from a foundation drain, sump pump, yard drain or downspout to the sanitary sewer. The presence of a foundation drain will trigger the automatic

requirement for a sump pump to be installed if not already present.

- o After notice is issued, property owners have 60 days to replace leaking sanitary sewer laterals.
- o Failure to comply will result in a violation.

Chapter 70 Sewer System (Exhibit 3)

- Section 70-2 Definitions: added definitions for floor drain and foundation drain.
- Section 70-4 User Rules and Regulations
 - o Added subsection (c)(5) deem the discharge of any stormwater, surface water, groundwater, roof runoff, surface drainage or any inflow to the sanitary sewer as unlawful. Failure to correct unlawful discharges may result in a monthly inflow and infiltration clear water surcharge as determined by the Director of Public Works.
 - o Updated subsection (f) to replace building drain with floor drain.
 - o Updated subsection (h) to outline the requirements for abandoning sewer laterals within the public right-of-way. Abandoned laterals are to be capped at the sewer main to prevent additional inflow and infiltration.
 - o Updated subsection (j)(1) to clarify that any foundation drain, not just exterior foundation drains, shall not be connected to the sanitary sewer.

Next Steps

Phase I – Education and Outreach

Engineering Staff will continue to receive calls and answer property owners' questions regarding the FDDP. Staff will also continue updating the City's website and Facebook page with new information as it is made available.

Phase II – Further Field Investigation

Staff will continue to field investigate and research to verify the existence of sump pumps in the properties that indicated that they currently have sump pumps.

Phase III – Foundation Drain Disconnection Program

With approval of the Municipal Code revisions by the Board of Public Works and Common Council, staff plans to send another mailer out to all parcels within the FDDP outlining the new sump pump installation mandate. The proposed letter is included with this memo as Exhibit 4. As part of the new sump pump installation mandate, staff proposes that those properties that do not indicate they are participating in the FDDP by December 31, 2024 be ineligible for the 80% cost share for sump pump installation and foundation drain disconnection. Starting January 1, 2025, staff recommends that the cost share drop to 50% for all mandated properties as discussed at the October 9, 2023 Board of Public Works Meeting. Moving forward, this will result in staff needing to budget \$200,000 per year to fund foundation drain disconnections and sump pump installations. This increase to the sewerage fund budget may result in an increase to the sewerage fund rates charged back to property owners.

Recommendation

Staff recommends that the Board approve the proposed revisions to the City of De Pere Municipal Code and the proposed mailer included as Exhibit 4. Once the municipal code revisions are approved by the Common Council, staff will mail out the program update mailer to outline the new mandate.

EXHIBIT 1

CITY OF DE PERE MUNICIPAL CODE REVISIONS TO CHAPTER 26 WATER AND SEWER SERVICE

Chapter 26 WATER AND SEWER SERVICE

Sec. 26-1. Management of water utility.

- (a) Pursuant to the provisions of Wis. Stats. § 66.0805, the city water utility shall be operated and managed by the board of public works under direct supervision of the director of public works. The board's management of such utility is under the general control and supervision of the common council.
- (b) The board of public works shall have the general powers and duties in its operation and management of such utility, as provided by law; and shall adopt such rules and regulations for the management of such utility as such board deems necessary.

(Code 1974, § 8.01; Code 2001, § 26-1)

Sec. 26-2. Water main installations.

- (a) Upon the installing of any water mains in any street, service lines shall also be installed.
- (b) Before a street is improved by the installing of curb and gutter or permanent surfacing, water service lines shall be installed.
- (c) A building site shall consist of a lot or a parcel of property, which in the opinion of the director of public works/city engineer or his or her designee is an approved building site. The location of the service line shall be determined by the director of public works/city engineer or his or her designee.
- (d) Upon the installation of a service line, the public works department shall be advised of the location of the service line, and the department of public works shall keep a permanent record of the installation.
- (e) The water utility shall cause the property owner benefited by the installation to be billed, if the address of the property owner is known, and the property owner shall pay the charges of the installation within 30 days after the date of the sending of the bill. If the charges are not paid within 30 days, the charges shall become a special assessment against the property benefited, shall be extended on the tax roll and collected as a special assessment, the same as for the installation of water mains.
- (f) For the property benefited by the installation of the water service line there shall be no tapping charge when a connection is made to the service line.

(Code 1974, § 8.02; Code 2001, § 26-2; Ord. No. 13-17, § 15, 8-20-2013)

Sec. 26-3. Water main extensions; assessment.

Assessment for the extension of a water main shall be as provided in section 13-8.

(Code 1974, § 8.03; Code 2001, § 26-3; Ord. No. 13-17, § 7, 8-20-2013)

Sec. 26-4. Sanitary and storm sewer main extensions.

All new storm sewer and sanitary sewer main extensions within the city may be chargeable to benefited property by means of a special assessment to be levied upon the benefited property as determined by the common council pursuant to the procedures set forth in Wis. Stats. § 66.0703. Service lines (laterals) shall be

installed at the time the storm sewer and sanitary sewer main extensions are installed for each building site, and such property may be assessed for benefits derived from such installation as determined by the common council in accordance with section 13-8.

(Code 2001, § 26-4; Ord. No. 14-12, § 2, 9-16-2014)

Sec. 26-5. Storm drainage.

- (a) *Clear water.* Clear water shall include water from roof drains, surface drains, foundation water drains, cistern overflows, refrigerator cooling waters and water from air conditioning equipment.
- (b) *Discharge to sanitary sewers.* No person shall discharge any clear water by means of **foundation drain**, sump pump, or roof drains into any sanitary sewer, and no person shall permit rainwater or surface water to drain directly into any sanitary sewer.
- (c) *Discharge to storm sewer.* All clear water shall discharge directly into a storm sewer where such sewer is available, and the director of public works may direct such connection if he or she deems it necessary and in the public interest.
 - (1) *Permit required.* No person shall open any street, alley or other public place for the purpose of connecting to a storm sewer or other terminal without first obtaining from the director of public works a written permit to open such street, alley or public place.
 - (2) *Inspection.* Any person receiving a permit to connect to a storm sewer shall notify the **Director of Public Works** ~~street superintendent~~ whenever the work is ready for inspection. All work shall be left uncovered until examined and approved by him or her.
- (d) *Discharge to public streets.* No person shall discharge any clear water directly into a public street or alley from November 1 to March 31, inclusive. No person shall discharge any clear water directly into a public street or alley from April 1 to October 31, inclusive, without first obtaining from the director of public works, a written permit to do so.
- (e) *Discharge onto sidewalks.* No person shall permit the drainage of water directly onto any sidewalk or other public area.
- (f) *Other discharges.* Where a storm sewer is not available, the discharge of clear water shall be either:
 - (1) Into an underground conduit leading into a drainage ditch or dry well;
 - (2) Onto the ground surface at least one foot from the building foundation and directed toward the front or rear lot line.

Such discharge shall not be directed so as to flow **into the sanitary sewer**, on adjacent property, nor shall the discharge be allowed to accumulate and create ponds of standing water or other public nuisance. Nothing contained in this subsection shall act to relieve a person from complying with the other provisions of this section.

- (g) *Correction; penalty.* Any person who is the owner of any building or land wherein there is a violation of the provisions of this section, shall cause the violation to be corrected within a maximum of 60 days after being notified in writing by the director of public works or sewer inspector, whose duty it shall be to enforce this section. Any person who shall thereafter continue to violate the provisions of this section shall be subject to the forfeiture provided for violation of this chapter. Nothing in this section shall preclude the city from maintaining any other appropriate action to prevent or remove a violation of this section.

(Code 1974, § 8.09; Code 2001, § 26-5; Ord. No. 13-17, §§ 13, 14, 8-20-2013)

Sec. 26-6. Storm sewer and service line (lateral) installation.

(a) *New construction.*

- (1) *Installation.* Storm sewer main and lateral installation to each lot of record shall be constructed at the time of initial road improvements. The location of the lateral shall be as determined by the city engineer or designee.
- (2) *Costs of installation.* The costs of such storm sewer main and lateral installation shall be paid for as provided in section 13-8.

(b) *Street reconstruction.*

- (1) *Installation.* Storm sewer main and lateral installation to each lot of record shall be constructed at the time of street reconstruction in those streets which do not have storm sewer service. The location of the lateral installation shall be as determined by the city engineer or designee.
- (2) *Costs of installation.* The costs of such storm sewer main and lateral installation shall be paid for as provided in section 13-8.

(c) *Street resurfacing.*

- (1) *Installation.* Storm sewer main and lateral installation to each lot of record shall be constructed during street resurfacing improvements when:
 - a. Requested by a property owner along the street to be resurfaced; or
 - b. When ordered by the director of public works to address drainage issues.

The location of the lateral installation shall be as determined by the city engineer or designee.
- (2) *Costs of installation.* The costs of such storm sewer main and lateral installation shall be paid for as provided in section 13-8.

(d) *Without other construction.*

- (1) *Installation.* The term "mini-storm sewer" means a storm sewer main of a smaller diameter than the traditional storm sewer main, intended to provide drainage for sump pumps and backyard drains and laterals. Mini storm sewers may be installed behind the curb line when:
 - a. Requested by a property owner to address storm drainage issues; or
 - b. When ordered by the director of public works to address drainage issues.

The extent of a mini-storm sewer shall be determined by the city engineer or designee based upon the drainage needs of the immediate vicinity.
- (2) *Costs of installation.* The costs of such mini-storm sewer and lateral installation shall be paid for as provided in section 13-8.

(Code 2001, § 26-5.5; Ord. No. 14-12, § 3, 9-16-2014)

Sec. 26-7. Sump pump installation.

- (a) *Installation required; discharge regulated.* The installation of sump pumps shall be required in all **buildings. residential, commercial and industrial buildings constructed after July 17, 1973.** The effluent from all sump pumps installed pursuant hereto shall be discharged directly into the storm sewer where such sewer is available or can be made available.

- (b) *Permits required; inspection.* Any person applying for the plumbing permit under this chapter shall certify to the issuing officer or department that a sump pump shall be installed within such building and shall submit plans and specifications relating to the connection of such pump to the storm sewer. The plumbing inspector or other officer, prior to issuing any permits, shall review and approve such plans and specifications. Any installation and connection hereunder shall be performed in such a manner as to allow for inspection by the plumbing inspector.
- (c) ***Exemptions; inspection.*** A sump pump shall not be required for buildings lacking pre-existing foundation drains deemed exempt from subsection (a) of this section. The plumbing inspector or other officer shall review and approve such buildings to determine if foundation drains are absent and an exemption is warranted. Correction may be warranted under sections 70-5 and 26-5 should it be found that any clear water is entering the sanitary sewer from a property previously deemed exempt by the plumbing inspector or their designee.

(Code 1974, § 8.10; Code 2001, § 26-6)

Sec. 26-8. Sewer inspector.

- (a) *Qualifications.* There is hereby created an office of sewer inspector. The person chosen to fill the office of sewer inspector shall be well versed in the regulations of the city relating to storm drainage as set forth in sections 26-5 and 26-7.
- (b) *Method of appointment.* The sewer inspector shall be appointed by the mayor, subject to confirmation by the common council.
- (c) *Duties.* It shall be the duty of the sewer inspector to enforce the provisions of sections 26-5 and 26-7. The sewer inspector shall periodically submit to the board of public works a report on the results of his or her inspections and the status of compliance with the provisions of sections 26-5 and 26-7. In addition, the sewer inspector shall advise and assist the director of public works and his or her assistants in the discovery and solution of drainage and sewer related problems in the city.
- (d) *Authority.* The sewer inspector, in the discharge of his or her duties, shall have the right to enter upon any property and have free and unobstructed access to any building or premises, or its part, during reasonable hours. He or she is hereby authorized and empowered to issue any order in the best interest of the general public to enforce compliance with sections 26-5 and 26-7, to reinspect, as provided, to determine such compliance, to issue citations for noncompliance and to commence appropriate actions to enforce the penalties provided.

(Code 1974, § 8.11; Code 2001, § 26-7; Ord. No. 13-17, §§ 13, 15, 8-20-2013)

Sec. 26-9. Water use restricted; emergency shortage; declaring bans.

- (a) When the director of public works/city engineer shall advise the mayor in writing that the water supply of the city's water utility is being depleted and that normal levels of supply are not foreseen, or that a situation exists with respect to the city's water supply system requiring curtailed water use, the mayor may declare a water shortage emergency in the city and direct a ban on the use of water supplied by such facility for nonessential uses, including, but not limited to, the watering of lawns, gardens, shrubbery and other domestic plant life.
- (b) The mayor may use discretion in determining the extent of the restrictions based upon the seriousness of the supply depletion or system problem and may direct a ban between specific dates or between the hours of 7:00 a.m. and 7:00 p.m.; may direct an alternating ban based on odd/even days of the month and property addresses; or may direct a ban composed of combinations of the foregoing restrictions. Any ban so imposed

by the mayor shall remain in effect until such time as the mayor is advised that water supplies are sufficient to allow for cessation of such ban, whereupon the mayor shall direct that the ban is ceased.

- (c) If the mayor declines to direct the cessation of such ban after having been advised by the water utility, in writing, that the cause for such ban no longer exists, the common council may consider the matter at any meeting upon the request of any member and may, by resolution, declare the cessation of such ban.

(Code 1974, § 8.12; Code 2001, § 26-8)

Sec. 26-10. Connection to sewer and water system.

Pursuant to the provisions of Wis. Stats. § 281.45, to ensure preservation of public health, comfort and safety, any person owning property upon which buildings are used for human habitation and where such property is located adjacent to an installed sewer and water main, or in a block through which one or both of these systems extend, shall connect to such sewer or water main within the time given in such official notice to connect from the city. If such person fails or neglects to connect as required in such notice within the time prescribed, the city may cause such connection to be made and the expense of such connection assessed as a special tax against the property. Furthermore, failure of the owner of such property to connect or cause the connection to be made as required may also subject such person to a municipal forfeiture of not less than \$10.00 nor more than \$1,000.00 for each act of violation and each day upon which any such violation occurs shall constitute a separate offense.

- (1) *Required.* Connections to the sewer and water system shall be made contemporaneous with one another provided both sewer and water service are located pursuant to the above provision.
- (2) *Excavation permit required.* No person shall open any street, alley or other public place for the purpose of connection to a sewer or water main without first obtaining from the director of public works or authorized agent a permit to open such street, alley or public place. The cost for such excavation permit shall be as provided at section 22-11. Prior to issuance of such excavation permit, the applicant shall arrange for an inspection and connection to the water main by the water superintendent or designee.
- (3) *Connection permit required.* No person shall make any attachment or extension of a lateral to any building without first obtaining a lateral connection permit as provided at section 66-9.
- (4) *Qualified applicant.* The permits referred to in this section shall only be granted upon application by a licensed and bonded plumber authorized by the agent or owner of the premises desiring to make such connection, extension, or alteration. The applicant shall state the name of the owner and that the applicant and owner will be bound by, and subject to, the rules and regulations prescribed in this chapter, chapter 66, and any other applicable municipal or state regulation. Applications under this section shall give the exact location of the premises, the purpose of the connection, the time the work is to be done, and all other particulars reasonably required by the director of public works or designee in relation thereto.

(Code 1974, § 8.14; Code 2001, § 26-9; Ord. No. 06-06, § 1, 4-5-2006)

Sec. 26-11. Water utility rules and regulations adopted.

The rules and regulations of the water utility as approved by the state public service commission in Order Number 1610WR-1, for services rendered on and after March 3, 1980, are incorporated by reference and made a part of this chapter as though fully set forth in this section. A copy of such rules and regulations shall be filed with the city clerk.

(Code 1974, § 8.15; Code 2001, § 26-10)

Sec. 26-12. Interconnections and cross connections.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cross connection means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the city water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

- (b) *Prohibitions; exceptions.* No person shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the city may enter the supply or distribution system of such municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the board of public works and by the state department of natural resources in accordance with Wis. Admin. Code ch. NR 811.

- (c) *Inspections.*

- (1) It shall be the duty of the city water utility to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspection based on potential health hazards involved shall be as established by such utility and as approved by the state department of natural resources.
- (2) Upon presentation of credentials, the representative of the city water utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the city for cross connections. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping systems on such property.

- (d) *Discontinuation of service.*

- (1) The city water utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this chapter exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing before the board of public works except as provided in subsection (d)(2) of this section. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this chapter.
- (2) If it is determined by the city water utility that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the clerk and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing before the board of public works within ten days of such emergency discontinuance.

- (e) *Other regulations not affected.* This chapter does not supersede the state plumbing code or chapter 66 but is supplementary to them.

(Code 1974, § 8.16; Code 2001, § 26-11)

Sec. 26-13. Private well regulation.

(a) *Purpose.* The common council finds and determines that private wells are a known pathway for the entrance of contaminants into groundwater aquifers, which aquifers also supply the municipal water system. It is further determined that cross connecting of private wells and municipal water sources may lead to such contamination. Contamination of the city's water supply would severely and adversely affect the health, safety and general welfare of city residents, particularly since contamination once introduced is extremely difficult to correct. Therefore, it is necessary and in the public interest that all wells within the corporate limits of the city, whether existing or hereafter installed, shall be effectively monitored and regulated in regard to their creation, operation and abandonment as set forth in this section.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Municipal water system means the system owned and operated by the city water utility for the provision to the public of piped water for human consumption.

Noncomplying means a well or pump installation which does not comply with the provisions of Wis. Admin. Code ch. NR 112, in effect at the time the well was constructed, a contamination source was discovered, the pump was installed, or work was done on either the well or pump installation.

Pump installation means the pump and related equipment used for withdrawing water from a well, including discharge piping, ground connection, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

Unsafe means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances exceeding the standards of Wis. Admin. Code ch. NR 809 or 140, or for which a health advisory has been issued by the state department of natural resources.

Unused means a well or pump installation which is not in use or does not have a functional pumping system.

Well means an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater for consumption or other use.

Well abandonment means the filling and sealing of a well in accordance with the provisions of Wis. Admin. Code ch. NR 112.

(c) *Registration of wells.* No new wells shall be constructed and installed nor shall any existing well be maintained unless the wells are registered with the water utility by the owner of the property upon which the wells are located, and unless all such wells are in complete compliance with the requirements with the provisions of this section, section 26-12, and the provisions of Wis. Admin. Code ch. NR 112. The registration form shall require, at a minimum, the following information:

- (1) Specific location.
- (2) Age of well.
- (3) Depth of well.
- (4) Width of well.
- (5) Type of casing.
- (6) Intended use.

(d) *Permit required.* No well shall be constructed, installed or maintained unless a permit is issued by the water utility upon registration as required in subsection (c) of this section. Prior to issuance of the permit, the owner, upon the direction and supervision of the water utility, shall comply with the requirements of this section. If the water utility determines that the well conforms with the provisions of this section, a permit

not to exceed five years shall be issued. Such permit may be subject to renewal at the request of any owner of such well only upon submitting information verifying that the conditions of this section are met. Permit applications and renewals shall be made on forms provided by the water utility. In order to permit a well to be constructed, installed or maintained, or for any such permit to be renewed, the water utility must be satisfied of the following requirements:

- (1) The well construction and pump installation meet or are ungraded to meet the requirements of Wis. Admin. Code ch. NR 112.
 - (2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two samplings taken a minimum of two weeks apart. No exception to this condition may be made for unsafe wells unless the state department of natural resources approves in writing the continued use of the well.
 - (3) There are no cross connections between the well and the pump installation and the municipal water system.
 - (4) The proposed use of the well and pump installation is reasonably justified in addition to other water provided by the municipal water system.
- (e) *Permit fee.* Every person requesting a well permit shall pay a fee as determined by resolution of the common council.
- (f) *Additional conditions of permit.* The right to construct, install and maintain a well as authorized by permit under this section shall be expressly conditioned upon the owners and successors in interest complying with the following:
- (1) The owner shall permit the water utility or its designee access to the well for inspection and testing at any time during normal working hours.
 - (2) No repair or modification of any well may be performed unless prior notification is given to the water utility and the plan and resulting construction is reviewed and inspected by such utility.
 - (3) The city shall have the right to sample the water after completion of any such repairs or modification. Such sampling shall be at the owner's cost and may either be done by the city or by the owner at the city's direction.
 - (4) The city shall have the right to randomly test or to direct the owner to test the well not more than two times in any six-month period. The city may require additional testing if there is reason to believe some contamination may be present or that the results of previous tests may be invalid.
 - (5) The cost of any testing and sampling as provided in this section shall be paid by the owner upon invoice by the city.
 - (6) A permit issued in accordance with the provisions of this section shall be revoked by the water superintendent upon notice to the permittee that any of the following have occurred:
 - a. The owner of the well has refused access to a well for testing or has failed to follow a direction or order of the water utility in regard to testing or sampling.
 - b. The owner of any well has neglected to pay for any tests authorized with 30 days of billing or invoice.
 - c. Any test results demonstrate well contamination and do not meet reasonable health standards or are in violation of any state or municipal ordinance dealing with well operation.
 - d. The parties aggrieved by permit revocation may appeal the initial decision of the water superintendent to the board of public works by filing a written petition for review with the city clerk.

- (g) *Well abandonment.* Upon revocation of a well permit in accordance with this section or upon voluntary determination to abandon the use of any well previously permitted hereunder, all wells under the jurisdiction of this section shall be abandoned in accordance with the procedures of Wis. Admin. Code ch. NR 112. All debris, pump, piping, unsealed liners, and other obstructions which may interfere with this sealing operations shall be removed prior to abandonment. The owner of the well or the owner's agent shall notify the water utility superintendent at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the water utility superintendent and an abandonment report form, supplied by the state department of natural resources, shall be submitted by the well owner to the water utility and the state department of natural resources within ten days of the completion of the well abandonment.
- (h) *Abandonment of unused or previously abandoned wells.* It shall be the responsibility of the landowner of any real property upon which a well is located to see to it that all wells located on the owner's property have been properly abandoned in accordance with the procedures of Wis. Admin. Code ch. NR 112, regardless of whether such owner has used such well. Upon discovery of any unused or previously abandoned well, the owner shall notify the water utility and comply, insofar as is practicable, with the procedures of subsection (g) of this section. In the case of a previously abandoned well, if the owner can produce proof of compliance with state well abandonment requirements to the satisfaction of the utilities manager/engineer, compliance with this section may be deemed unnecessary. Such determination shall be at the discretion of the utilities manager/engineer upon considering the present and future possibility of groundwater contamination at the well site.
- (i) *Failure to properly abandon well public nuisance.* Failure to abandon any well after revocation of a permit to follow the provisions of Wis. Admin. Code ch. NR 112, in abandoning such well is hereby deemed a public nuisance, and the city may cause such well to be property abandoned and may assess the cost against the owner of the affected property and collect it as a special tax.
- (j) *Penalty.* In addition to any and all other costs which may be incurred by property owner under the provisions of this section, any person who violates any provision of this section shall pay a forfeiture of not less than \$100.00 nor more than \$500.00. From the time of written notice of such violation, each day of continuing violation of any provision of this section shall be considered a separate violation for the purposes of imposing forfeitures stated in this subsection.

(Code 1974, § 8.17; Code 2001, § 26-12; Ord. No. 14-20, § 2, 12-16-2014)

Sec. 26-14. Water supply development charge created.

- (a) *Introduction and purpose.* The purpose of this section is to establish a mechanism to recover the development costs imposed on the city by the water authority. The water authority charges the city for new connections to the city's water system in areas outside the city's boundaries as they existed on December 1, 2003. The purpose of this section is to pass those charges on to the property owner seeking the new connection since that property owner is directly responsible for the costs imposed on the city by the water authority.
- (b) *Permit.* Each person, corporation, partnership, public agency, or other entity (hereinafter referred to as a water user) shall obtain a permit from the city before installing a new water meter. The city shall determine the size of the water meter necessary or appropriate to provide service to the water user.
- (c) *Charge; generally.* If the new water meter is for a new connection to the city's water system in an area that was annexed or added to the city's boundaries since December 1, 2003, the water user who obtains a permit under subsection (b) of this section shall pay a water supply development charge to the city at the time of the application for the permit. Such water supply development charge shall be calculated as set forth in subsection (d) of this section and shall equal the charge imposed by the water authority on the city.

- (d) *Schedule of charges.* The amount of the water supply development charge shall be based upon the size of the meter to be installed. The water supply development charge shall equal \$50.00 multiplied by a factor determined by the size of meter to be installed, with a maximum charge of \$260.00 per meter. The size of the meter, the appropriate factor, and the resulting water supply development charge is set forth on the following table:

Meter Size (inches)	Factor	Water Supply Development Charge
Under 1	1.0	\$50.00
1	1.6	\$80.00
1.5	3.0	\$150.00
2 or greater	5.2	\$260.00

- (e) *Responsibility for payment of charges.* All required water supply development charges shall be paid in full prior to issuance of a permit under subsection (b) of this section. Payment of the water supply development charge is the responsibility of the property owner of record at the time a permit under subsection (b) of this section is requested.
- (f) *Collection of charges.* Water supply development charges paid to and collected by the city shall be placed in a segregated, interest-bearing account, the water supply development charge account. Such funds shall be accounted for separately from other of the city's general and utility funds.
- (g) *Payment of charges to water authority.* All funds, excluding interest, accumulated in the water supply development charge account established by the city shall be turned over to the water authority semi-annually on dates established by the water authority. The water authority shall use the funds to reduce the fixed costs of the water authority. Any interest income earned by the monies in the water supply development charge account need not be turned over to the water authority but may be used by the city to help pay administrative costs of implementing this section.
- (h) *Waiver.* the city may waive the collection of a water supply development charge from any property owner if the city itself agrees to be responsible for the payment of such charge.

(Code 2001, § 26-14; Ord. No. 05-03, § 1, 1-18-2005)

Sec. 26-15. Water conservation.

- (a) *Introduction and purpose.* This section is enacted in cooperation with the Central Brown County water authority (water authority) and its member communities, Allouez, Bellevue, De Pere, Howard, Town of Lawrence, and Ledgeview Sanitary District No. 2, to support the implementation of a water conservation and management plan. The goal of this conservation and management plan is to preserve the water resources of the region and to extend the value and life of the infrastructure assets used in supplying water, without jeopardizing public health, safety and welfare.
- (b) *Public education.* The city shall at least once a year provide to its customers information regarding water conservation methods. Information may be provided by community newsletter, local newspaper, radio, television, new homeowners and business information packets, or information provided to students and teachers through school newsletters. The information provided shall include:
- (1) Information on water consumption and use by customers;
 - (2) Tips on water conservation;
 - (3) Recommended lawn length and mowing practices;

- (4) Recommended lawn care water amounts;
 - (5) Information on use of automatic sprinkler systems;
 - (6) When to water for best results;
 - (7) Information on flow control on hoses;
 - (8) Information on the impact of water usage on the environment and public water systems;
 - (9) Information on in-house water fixture reductions (i.e., showerhead, reduced toilet flush, laundry etc.); and
 - (10) Information on the impact to the public if conservation methods are not used. This information may be provided in conjunction with the water authority and other water authority members.
- (c) *Determination of water shortage.* A water shortage shall be deemed to exist when the water authority advises the city and the other member communities that the water authority may not be able to supply sufficient potable water to meet the current or expected level of customer demand due to conditions not under their control. The water authority shall declare a Stage I water shortage if extreme dry weather conditions require moderate water conservation. The water authority shall declare a Stage II water shortage if continuing extreme dry weather conditions require a high level of water conservation. The water authority may also declare a Stage I or Stage II water shortage if any other circumstances, including service losses caused by equipment failure, human error, weather, or other natural disaster, constrains the water authority's water supply to less than the current level of customer demand.
- (d) *Declaration of water shortage.* In the event of a water shortage as determined in subsection (c) of this section, the water authority shall issue a public declaration of the water shortage. Upon such declaration, the city shall place in effect the restrictive provisions hereinafter authorized. The city shall inform the public about the water use restrictions and the reasons for those restrictions. Information shall be provided in the same manner as set forth in subsection (b) of this section.
- (e) *Mandatory conservation during Stage I water shortage.*
- (1) Except as provided below, in the event the water authority declares a Stage I water shortage, it is unlawful for any person, firm, or corporation to use or permit the use of potable water within the city for any of the purposes hereinafter set forth until the water authority, by public declaration, has declared the Stage I water shortage to be lifted.
 - (2) Exception. Watering of lawns is restricted to the following: House numbers ending in an even number may water on even numbered days of the month. House numbers ending in an odd number may water on the odd days of the month. However, all watering must be done between the hours of 6:00 p.m. to 12:00 midnight. Watering of trees, shrubs and flowers may be done at any time using a handheld hose.
- (f) *Mandatory conservation during Stage II water shortage.* In the event the water authority declares a Stage II water shortage, it is unlawful for any person, firm, or corporation to use or permit the use of potable water within the city for any of the purposes hereinafter set forth until the water authority, by public proclamation, has declared the Stage II water shortage to be lifted. No outside use of water is allowed. Outside use refers to, but is not limited to, the following:
- (1) No watering of lawn, flowers or shrubs; and
 - (2) No washing of vehicles, recreational equipment, driveways, decks, porches or structures.
- (g) *Penalties.* Any person who violates this section or any provision thereof shall be subject to a forfeiture as determined by resolution of the council, plus costs, fees, assessments and penalties as required by law. Each act of violation and every day upon which a violation occurs or continues constitutes a separate offense.

(Code 2001, § 26-15; Ord. No. 05-05, § 1, 2-1-2005; Ord. No. 14-20, § 1, 12-16-2014)

Sec. 26-16. Private water utility inspection and maintenance.

(a) *General.*

- (1) Privately owned water distribution systems, as defined in Wisconsin Administrative Code (NR) Chapter 812, as may be amended from time to time, shall be responsible for ensuring that their system is inspected, maintained and operated to provide an adequate quantity of safe drinking water to those consumers served and for firefighting purposes. This responsibility includes, without limitation, maintaining or contracting for an adequate number of trained staff to perform all duties necessary and performing maintenance and replacement of water main and appurtenances when necessary to keep the facilities in good operating condition. This responsibility shall also include ensuring that sufficient fiscal resources are available for needed repairs and eventual system replacement.

(b) *Applicability.*

- (1) The following water systems, located on private property, shall comply with the private water system maintenance requirements of this section if they have any of the following:
 - a. Systems that have a valve or a "private hydrant" as defined in Wisconsin Administrative Code (PSC) 185.12(15), as may be amended from time to time.
 - b. Systems that have water service to a building or a curb stop from a water main.
 - c. Systems that serve more than one building.
 - d. Systems that exceed a combined 150 feet of water main and/or service piping measured from the right-of-way.

(c) *Certified operator requirements.*

- (1) Every private water system shall have a designated operator-in-charge. No person may be an operator-in-charge of a water system subclass unless that person holds a valid certificate for that subclass issued pursuant to Wisconsin Administrative Code (NR) 114.30, as may be amended from time to time.
- (2) The owner of a private water system shall designate to the De Pere Water Utility the operator-in-charge of the water system and provide 24-hour per day contact information. The designated operator-in-charge shall meet the requirements stated in Wisconsin Administrative Code (NR) 114.32, as may be amended from time to time.
- (3) Only the operator-in-charge, or persons supervised by the operator-in-charge shall operate the private water system. The operator-in-charge shall coordinate all private water system operations with the De Pere Water Utility providing two working days' notice before operating any private hydrant or valve.
- (4) No person may use or take water from a private water system, except for the purpose of extinguishing a fire; or operate valves or hydrants; or damage or impair a private water system. Such persons shall be subject to any fine or penalty pursuant to De Pere Municipal Ordinance.

(d) *Operational requirements.*

- (1) Private water systems shall be operated so as to not restrict water pressure or flow at all locations within their water distribution system under normal operating conditions.
- (2) Private water systems shall maintain current fire flow studies and documentation showing the fire flow capability of the system. The private water system owner shall notify the fire chief in writing of the location of all fire hydrants that are temporarily out of service or cannot maintain 500 gpm at 20 psi at ground level.

(e) *Private water system maintenance activities.*

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- (1) Unless an alternate schedule is approved by the De Pere Water Utility, each private water system shall perform all the following:
- a. *Valve exercising:* All distribution system valves shall be exercised, consistent with De Pere Water Utility policy, at least once every five years.
 - b. *Hydrant exercising:* All hydrants shall be exercised, consistent with De Pere Water Utility policy, at least once every two years.
 - c. *Hydrant/valve maintenance, inspection and fire flow testing:* Hydrants and valves shall be inspected annually and maintained in proper working condition, consistent with the manufacturer's recommendations, American Water Works Association (AWWA) and National Fire Protection Association (NFPA) standards. Private hydrants shall be flow tested occasionally to sufficiently demonstrate current flow rates.
 - d. *Flushing dead-end mains:* Mains shall be flushed to remove sediment or water of poor quality, consistent with De Pere Water Utility policy, at least once every year.
 - e. *Leakage detection:* Mains, valves, hydrants and services shall be inspected for leaks according to AWWA M36 water audit and loss control program, consistent with that of the De Pere Water Utility policy, at least once every 2 years. Water systems that are master metered at the right-of-way are exempt from annual leak detection maintenance requirement.
 - f. *Hydrant sandblasting and painting:* Hydrants shall be sandblasted, primed and painted red to signify a private water system, caps shall be color coded to the fire flow rate per NFPA Standard 291, consistent with De Pere Water Utility policy, as needed, but not to exceed once every eight to ten years.
 - g. *Repair leaks:* Repair any of the following leaks in the timely manner set forth below that have been identified:
 - Significant surfacing leaks within eight hours.
 - Surfacing leaks within eight hours to one day.
 - Minor (barely visible) surfacing leaks within one day to three days.
 - Non-surfacing detectable leaks within one to two weeks.
 - h. *Additional maintenance:* Perform all additional prudent water main and appurtenance maintenance, repairs or replacements per AWWA and NFPA as necessary to keep the facilities in good operating condition, typically within four to six weeks of detection.
 - i. *Cost for services performed by the City of De Pere shall be placed on the tax roll:* Should the city, its employees or contractors perform any work at the request of a private system, or perform any work for an immediate safety issue on a private water system, the city shall place a special charge for its time and expense on the tax roll of the property pursuant to Wis. Stats. § 66.0627, as may be amended from time to time, or by any other manner allowed by law.
- (f) *Record keeping.* Private water systems shall provide records and documentation of private water system inspections, maintenance and operations to the De Pere Water Utility for all of the following:
- (1) Provide documentation of a valid service contract that authorizes the performance of needed maintenance and emergency repair work should the need arise.
 - (2) Provide and maintain detailed water system as constructed plans and a list of materials, parts and equipment that such system is constructed of.

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- (3) Provide copies of all maintenance contracts, test records, reports and verification of payment documenting required system maintenance activities have taken place.

(Ord. No. 24-02, § 1, 1-16-2024)

EXHIBIT 2

CITY OF DE PERE MUNICIPAL CODE
REVISIONS TO CHAPTER 66
WATER AND SEWER SERVICE

- CODE OF ORDINANCES
Chapter 66 PLUMBING CODE

Chapter 66 PLUMBING CODE

Sec. 66-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apprentice means a person other than a master or journeyman plumber, registered as such with state division of health in compliance with the rules and regulations governing apprentices.

House sanitary drain means all underground piping inside the building and to a point three to five feet outside the building designed to convey sanitary sewage to the house sanitary sewer.

House sanitary sewer means that part of the sanitary drainage system extending from the sewer service lateral or other disposal terminal to within three to five feet outside the building designed to convey sanitary sewage to the house sanitary sewer.

House storm drain means all underground piping inside the building and to a point three to five feet outside of the building designed to convey the discharge of all roof leaders, refrigerator drains and all other clear water drains to the house storm sewer.

House storm sewer means all underground piping designed to convey the discharge of the house storm drain, surface drains, yard drains, cistern overflows and all other clear water drains to the storm sewer service lateral at the curb or other disposal terminal.

Plumbers means master and journeyman plumbers licensed by the state division of health.

Plumbing means:

- (1) All piping, fixtures, appliances and appurtenances in connection with the water supply and drainage system within a building and to a point from three to five feet outside of the building.
- (2) The construction and connection of any drain or waste pipe carrying domestic sewage from a point three to five feet outside the foundation walls of any building and the connection to any sewer service lateral at the curb or other disposal terminal, including private domestic sewage treatment and disposal systems and the alteration of any such system, drain or waste pipe except minor repairs to faucets, valves, pipes, appliances and the removal of stoppages.
- (3) The water service piping from the building to the curb box at the street curb, alley or other terminal, and the connection of domestic hot water storage tanks, water softeners and water heaters with the water supply system.
- (4) Water supply piping and plumbing appliances, including water pressure systems other than the city system and water mains and appurtenances in connection therewith.
- (5) The construction of all stormwater drains from a point within three to five feet outside of the foundation wall of any building to the storm sewer at the curb or other disposal terminal. The construction and connection of all piping and appurtenances in connection with the stormwater drains within a building and to a point three to five feet outside the building.

Sewer service lateral means that part of the drainage system extending from the curb to the connection with the main sewer.

Storm sewer service lateral means that part of the stormwater drainage system extending from the curb to the main in the street.

(Code 1974, § 18.01; Code 2001, § 66-1)

Sec. 66-2. State plumbing code adopted.

Wis. Stats. ch. 145 and Wis. Admin. Code chs. SPS 381—387, together with all amendments, are adopted and by reference made a part of this chapter with the same force and effect as though set out in this section in full. Failure to comply with any of the provisions of the statutes or administrative rules, regulations and bulletins, shall constitute a violation of this chapter, punishable according to the penalties provided.

(Code 1974, § 18.02; Code 2001, § 66-2; Ord. No. 99-17, § 1, 7-20-1999)

Sec. 66-3. Plumbing inspector.

- (a) *Qualifications.* There is created an office of plumbing inspector. The person chosen to fill the office of plumbing inspector shall be skilled in the designing, planning, installation, superintending and inspection of plumbing and building drainage work, and who shall have at least ten years practical experience in such work.
- (b) *Duties and authority.* The plumbing inspector shall have control of the supervision and inspection of plumbing and drainage work within or in connection with all buildings within the city. He or she shall make or cause to be made all inspections of house sewers from the main sewer, or other disposal terminal to the buildings, and shall faithfully enforce all laws, ordinances and rules in relation thereto. It shall be the duty of the plumbing inspector to see that the construction, reconstruction and alteration of all plumbing, drainage and plumbing ventilation hereafter installed in all of the buildings in the city shall conform with the laws and ordinances of the state and the rules and regulations laid down by the state department of commerce and the city and that the work is done by licensed plumbers as provided by law and this chapter, and to make all inspections required thereby and in the manner therein set forth. The plumbing inspector shall have the right to enter any building during reasonable hours in the discharge of his or her duties. The plumbing inspector is empowered to exercise in the best interests of the general public such supervision over all plumbing and drainage installations as may be necessary to adequately enforce and administer the provisions of this chapter and state law and code to make plumbing safe and sanitary and to promote public welfare in all classes of buildings, private and public.

(Code 1974, § 18.03; Code 2001, § 66-3; Ord. No. 13-17, §§ 13, 15, 8-20-2013)

Sec. 66-4. Records and reports.

The plumbing inspector shall prepare suitable records and applications for the permits required, keep in his or her office a proper daily record of all transactions of his or her office, and file a monthly report covering the same with the council.

(Code 1974, § 18.04; Code 2001, § 66-4; Ord. No. 13-17, § 15, 8-20-2013)

Sec. 66-5. Inspections.

Inspections shall be made as provided for in the state code and this chapter, and shall include:

- (1) Inspection of the entire house sewer and drain from the main sewer or other disposal terminal to the building, including connections at point of discharge, and the water service from curb box into building.
- (2) The house drain within the building and its branches, under test as prescribed, which inspection shall be made before any part of the drain has been covered.
- (3) The soil, waste and vent pipe known as roughing in, shall be inspected under test before it is enclosed or covered.
- (4) Final inspection of the plumbing installation after fixtures, appurtenances and appliances have been tested and completed, and the installation is ready for use. When practical, the final inspection shall be made with the water supply serving such plumbing system turned on for such test purposes.
- (5) The plumbing inspector shall furnish the owner or the plumber with a certificate of such inspection indicating whether the installation has been approved or disapproved and giving the reasons therefor in writing.
- (6) ***Prohibited connections inspections.*** An inspection to determine the compliance with prohibited connections as outlined in section 26-5(b) shall be conducted in the following instances:
 - (1) Whenever an interior inspection is made in connection with building, plumbing, or electrical permit or a water meter repair or replacement.
 - (2) Whenever the Director of Public Works or Development Services Director has evidence of a prohibited connection to the sanitary sewer.
 - (3) Whenever the Director of Public Works or Development Service Director determines that abnormally high wastewater flows have been detected in publicly owned sanitary sewer main servicing the property, and the Director of Public Works or Development Services Director have reasonable grounds to believe that the flow may have been caused by a leaking sanitary sewer lateral or a prohibited connection in the property.
 - (4) Upon receipt of a complaint to the Director of Public Works or Development Services Director of an alleged violation of this article.
 - (5) When requested by the property owner.
 - (6) In the event an inspection of any building is to be made pursuant to the provisions of this article, and permission is not voluntarily given to the Director of Public Works or Development Services Director or authorized representatives to make such inspection, the Director of Public Works or Development Services Director may apply for and obtain a special inspection warrant to make such inspection, as provided by Wis. Stats. 66.0119.

(Code 1974, § 18.05; Code 2001, § 66-5)

Sec. 66-5.5. Noncompliance

- (1) If an inspection discloses noncompliance with this article, a noncompliance notice shall be issued by the Development Services Director setting forth the areas of noncompliance and stating that the building shall be brought into compliance.
- (2) Connections from prohibited foundation drains, sump pumps, downspouts, and yard drains shall be brought into compliance within 60 days of said notice.
 - a. Foundation drain disconnections shall result in the installation of a sump pump pursuant to Section 26-7 of this code
- (3) Failing or leaking sanitary laterals shall be replaced within 60 days of said notice.

- (4) Failure to bring the property into compliance within the appropriate time period shall be a violation of this article.**

Sec. 66-6. Notice of inspection.

Whenever any work is ready for inspection the plumbing inspector shall be notified by the plumber in charge, specifying the location by street number or land description. Unless especially permitted by the plumbing inspector, all work, either plumbing, water supply piping, house sewers or drainage shall be left uncovered until examined and approved by him or her. The plumber in charge shall make such arrangements as will enable the inspector to reach all parts of the building readily and shall have present the proper apparatus and appliances for making the tests and shall furnish all materials and perform all labor in making such tests as required for proper inspection. When inspection is desired, the request shall be made by phone, in person, or in writing during office hours.

(Code 1974, § 18.06; Code 2001, § 66-6; Ord. No. 13-17, § 14, 8-20-2013)

Sec. 66-7. Plumbing permits.

- (a) *Required.* No person shall engage in any plumbing work in any building, make any connection with any building, sewer or drains, or do any other plumbing work required by this chapter or any state administrative code without first making application and paying the requisite fee for a plumbing permit under this section. The plumbing inspector may require plans and specifications prior to approval of any permit. The permit may be issued by a designee of the plumbing inspector. The fee for such permit shall be as provided in this section.
- (b) *Restrictions.* No person will be granted a permit by the plumbing inspector to do plumbing or drainage work until such individual has made application for and received a permit to connect with the public sewer system. No permit will be issued to anyone not licensed and bonded, where applicable, or who has failed to renew such license and bond or had failed to comply with the provisions of this chapter. No permit will be issued to any plumber or person against whom any order issued by the plumbing inspector is pending.
- (c) *Denial.* No permit shall be issued to anyone during the time that the person has failed to remedy any defect work after proper notification by the plumbing inspector. Such notice shall state that the applicant has been held responsible for defective work under the provisions of this chapter. Bad faith or unreasonable delay in the performance of plumbing or drainage work or failure to respond promptly to official communication shall be deemed as sufficient reason for withholding permits, and a master plumber shall be held responsible for violations of these regulations by himself or herself or any of his or her employees.
- (d) *Fees.* At the time the application for a plumbing permit is filed, the applicant shall pay such fees for such services as are determined by resolution of the common council. Such fees include late fees, inspection fees, and fees for expedited process.
- (e) *Expiration.* All permits are good for a continuous performance of the work named thereon. Permits will automatically expire when work ceases for a period of 60 days without good and reasonable cause and will automatically expire upon completion of work for which it was issued.

(Code 1974, § 18.07; Code 2001, § 66-7; Ord. No. 99-33, §§ 3—5, 12-21-1999; Ord. No. 02-20, § 6, 7-16-2002; Ord. No. 06-33, § 9, 11-8-2006; Ord. No. 13-17, §§ 14, 15, 8-20-2013)

Sec. 66-8. Registration of plumbers.

- (a) *Required.* Any person who engages in, or works at, the business of plumbing in the city, either as a master, journeyman or apprentice plumber, before engaging in such work shall register his or her full name and address with the plumbing inspector. Such registration shall be renewed in January each year.
- (b) *Property owner.* A property owner may do plumbing on or in an existing residence occupied by him or her as his or her principal residence without being licensed therefor. This section shall not apply to connections to municipal storm or sanitary sewers or water mains or their laterals.

(Code 1974, § 18.08; Code 2001, § 66-8; Ord. No. 13-17, §§ 14, 15, 8-20-2013)

Sec. 66-9. Sewer connections.

- (a) *Supervision.* All sanitary and storm sewer connections is under the supervision of the plumbing inspector and department of public works. No laying, relaying, opening or connection to a sewer service lateral or main shall be permitted except upon gaining the permits required under this section and subject to direct supervision and inspection by the above-referenced offices.
- (b) *Permits.* No person shall open any street, alley or other place for the purpose of connecting to a storm or sanitary sewer lateral main or other terminal without first obtaining from the director of public works or his or her authorized agent the permits required by this section.
 - (1) *Excavation permit.* Prior to excavating for the purpose of connecting to a sewer lateral main or other terminal within the public rights-of-way, the applicant shall obtain from the director of public works or his or her authorized agent a permit to open any street, alley or public place. This permit shall be acquired at the municipal service center and, at the time of issuance of such permit, arrangements shall be made for inspection of such connection. The fee for the excavation permit shall be as provided in section 22-11.
 - (2) *Lateral connection permit.* No person shall connect to any sewer or water lateral or other disposal terminal, lay any sanitary or storm sewer or drain or make any attachment or extension to any old drain or sewer, private or public, inside or outside of the building, without first obtaining from the plumbing inspector or his or her authorized agent a permit under this section. The plumbing inspector may require any plans he or she deems necessary to determine the adequacy of any such connection before issuing a sewer lateral connection permit. The fee for a lateral connection permit shall be as determined by resolution of the common council.
 - (3) *Authorized persons only.* Permits under this section shall be granted only upon application by licensed and bonded master plumbers or plumbers possessing a restricted sewer license where such persons are authorized by agent or owner of the premises desiring to make the connection, extension or alteration. The applicant shall state the name of the owner and that the applicant and the owner will be bound and subject to the rules and regulations provided by this chapter and all other relevant state administrative code provisions and giving the exact location of the premises, stating the purpose for which such connection or extension or alteration is to be used, the time the work is to be done, and all other particulars with respect thereto as may be reasonably required by the director of public works or plumbing inspector.

(Code 1974, § 18.09; Code 2001, § 66-9; Ord. No. 99-33, § 6, 12-21-1999; Ord. No. 02-20, § 7, 7-16-2002; Ord. No. 13-17, §§ 9, 13, 15, 8-20-2013)

Sec. 66-10. Record of sewer connections.

- (a) *Recordkeeping.* The plumbing inspector with the cooperation of the director of public works shall keep a proper sewer connection record in a book, card index or plat provided for that purpose showing the location of the lot, the name of the owner of the premises desiring to make such connection and the master plumber proposing to lay the sewer or drain, and the exact location with the public sewer of each drain or sewer so laid.
- (b) *Depth of sewer and location of junction.* Information concerning the sizes, locations and depths of public and private sewers or drains and the position of the branch, junction and appurtenances will be furnished by the director of public works upon request. All reasonable care will be taken to ensure the correctness of such information, but such correctness will not be guaranteed under any circumstances. When in accordance with the measurements furnished, the junction is not found, a slant connection with a one-eighth bend shall be used, and such connection shall be made under the direction of the plumbing inspector.

(Code 1974, § 18.10; Code 2001, § 66-10)

Sec. 66-11. Construction of house sewers and building drains.

- (a) *Separate drains for each building and exceptions.* Every building must be separately and independently connected with the street sewer, except in cases where a house or accessory building stands in the rear of a principal building.
- (b) *Minimum size of building sanitary and storm sewers.* All building sewers shall be sized to serve the needs of the premises. No house sewer shall be less than four inches inside diameter.
- (c) *Types of sanitary and storm sewer pipe.*
 - (1) All new and existing sanitary and storm sewer piping extending from the main sewer or other disposal terminal to within three to five feet of the outside of the foundation wall of any building must consist of listed schedule 40 PVC or other approved material under state law.
 - a. All new building storm sewers shall be a minimum of four-inch, schedule 35, or other approved and listed material.
 - b. All underground building drains shall be laid on original or firm ground or thoroughly compacted material. Initial backfill on the sides of the pipe and to a depth of 12 inches over the pipe shall be sand, gravel or crushed stone.
 - c. An approved and listed tracer wire for direct burial shall be installed per manufacturers requirements to all new nonmetallic sanitary sewer, storm sewer and water service piping.
 - 1. Tracer wire shall be provided to serve the water service, sanitary sewer and storm sewer and brought up at the building exterior. An extra 18 inches of tracer wire shall be provided at the termination point for access and protected with one-inch PVC raceway to a depth of 18 inches below grade.
 - 2. Tracer wire shall be provided with access points at a minimum 400 feet and/or have an access point at the building exterior and brought up to grade. An approved splice shall be made at the curb stop, sanitary lateral and storm lateral.
 - 3. All splices shall be made in accordance with the manufacturer's requirements or using compression type connections.

4. Sewer contractor shall leave an extra 20 feet of tracer wire at the termination of the storm sewer at the trench line and brought up to grade at the storm riser prior to backfilling the foundation.
- (2) All new and existing building sanitary and storm drains shall consist of an approved and listed material under state law.
 - (3) To prevent backflow of groundwater where there is evidence of substantial groundwater in clays soils, a minimum six-foot long clay dam shall be installed between the building foundation and the lateral connection prior to backfilling of a sanitary sewer.
- (d) *Cleanouts.* Where required:
- (1) All gravity horizontal drains within or under a building shall be accessible through a cleanout. The developed length of drain piping between cleanouts shall not exceed 75 feet. Cleanouts in drains stacks 28 to 60 inches off the floor may serve horizontal drains.
 - (2) Sanitary building sewers. Sanitary building sewers six inches or less in diameter shall be provided with cleanouts and manholes such that cleanouts are located not more than 100 feet apart and manholes are located not more than 400 feet apart.
- (e) *Drain ends and connections guarded.* The ends of all sewers and drain piping not immediately connected, and the open ends of all abandoned sewers shall be securely closed to prevent the introduction of sand or earth.
- (f) *Defective or inferior pipe.* No master plumber or other authorized persons shall lay and connect with any public sewer a pipe that is cracked, damaged or of an inferior grade or quality under penalty as is provided in this chapter.
- (g) *Roots in sewers.* When it becomes necessary to dig up vitrified clay or other type building sewers because of stoppages by tree roots, such sewer shall be replaced in its full length with Schedule 40 PVC pipe or other approved and listed material under state law.
- (h) *Drains conveying industrial wastes.* No person shall connect any public garage, factory, brewery, distillery, stockyard, slaughterhouse, tannery or other building or establishment of any kind by any drain or sewer with the main sewer, through which it is intended or designed to discharge any offal, garbage, filth or other solid refuse or through which substance may be discharged into the main sewer, unless such installations are provided with an adequate intercepting appliance approved by the plumbing inspector. Piping for industrial plants or like buildings must convey such wastes separately to a predetermined point so that the restricted wastes may be treated prior to discharge into the house sewer or public sewer. (Also see restricted wastes and appliances as contained in the state code.)

Note: The attention of owners, architects, engineers and plumbers is directed to the above provisions. For additional information consult the plumbing inspector.

- (i) *Catchbasins or floor drains.* All building catchbasins or floor drains shall be of a design approved by the plumbing inspector and discharge to a sanitary sewer. Catchbasins shall be placed on private property. Garage floor drains shall connect to the sanitary sewer and shall not be connected to foundation drains nor to a clear water sump.
- (j) *Grease traps and interceptors.* Grease traps or grease interceptors shall be installed wherever greasy wastes from pot or dishwashing sinks and appliances are discharged into a building drain or sewer and shall be approved and listed under state law. All grease traps shall be readily accessible, maintained and cleaned.
- (k) *Drains discharging obnoxious liquids.* No person shall connect any premises with any drain or sewer entering into the main sewer through which any obnoxious, explosive or odorous liquids or substance may be discharged into the main sewer.

(l) *Backwater valve required.*

- (1) Backwater protection. An approved backwater valve shall be installed in the sanitary sewer or building drain of every new building subject to backflow and shall be so located as to be readily accessible.
- (2) Backwater valves, when fully opened, shall have the capacity not less than that of pipes in which installed.

(Code 1974, § 18.11; Code 2001, § 66-11; Ord. No. 08-32, § 1, 11-18-2008)

Sec. 66-12. Access to premises.

The plumbing inspector or his or her authorized agent upon written order from such plumbing inspector stating the reason therefor, and within a reasonable time from the presentation of such order shall have free and unobstructed access to any part of a private home or premises where a house sewer or drain, plumbing or appliances in connection therewith have been installed, between the hours of 9:00 a.m. and 6:00 p.m. and free access at any time to any building under construction or any public building without notification, if the conditions warrant doing so, for the purpose of examining plumbing, water supply piping and appliances and the construction, condition and usage with relation to sewage or waste disposal.

(Code 1974, § 18.12; Code 2001, § 66-12; Ord. No. 13-17, § 15, 8-20-2013)

Sec. 66-13. Water supply systems.

In addition to those regulations referred to in section 66-2, the following requirements are imposed upon the installation of water supply systems:

- (1) The water meter shall be installed downstream from the control valve and shall:
 - a. Be a maximum of 12 inches from the control valve; and
 - b. Be a minimum of 18 inches and a maximum of 48 inches above the floor.
- (2) The water meter shall be accessible.
- (3) If plastic is utilized in the water service, the pipe/water meter shall be securely fastened or mounted to a rigid support.

(Code 2001, § 66-13; Ord. No. 99-17, § 2, 7-20-1999)

EXHIBIT 3

CITY OF DE PERE MUNICIPAL CODE
REVISIONS TO CHAPTER 70
WATER AND SEWER SERVICE

Chapter 70 SEWER SYSTEM

Sec. 70-1. Purpose, intent and objectives.

- (a) The purpose of this chapter is to promote and protect the public health, safety and general welfare of the citizenry of the city, to enhance aquatic life, scenic and ecological values and enhance municipal, industrial and recreational use of water.
- (b) The city adopts and incorporates herein the Green Bay Metropolitan Sewerage District (GBMSD) Sewer Use Ordinance, dated March 2, 2006, as may be amended from time to time. In case of a direct conflict between this chapter and the GBMSD sewer use ordinance, the terms and conditions of the GBMSD sewer use ordinance shall prevail.
- (c) The objectives of this chapter are to:
 - (1) Prevent the introduction of pollutants into the city wastewater system which will interfere with the normal operation of the system;
 - (2) Prevent the introduction of pollutants into the wastewater system which do not receive adequate treatment at the GBMSD, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system.
- (d) Pursuant to Wis. Stats. § 66.0813(3), the city limits its wastewater treatment service area to the corporate limits of the city as the same exists as of the effective date of the ordinance from which this chapter is derived. This section does not limit the obligation to serve as it existed as of the effective date of the ordinance from which this chapter is derived. This section may be amended to expand such service area as provided in Wis. Stats. § 66.0813(3).

(Code 2001, § 70-1; Ord. No. 07-31, § 1, 12-18-2007)

Sec. 70-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approving authority means the board of public works of the city.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees centigrade, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in 40 CFR 136.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the lateral.

Compatible pollutants means biochemical oxygen demand, suspended solids, phosphorus, ammonia, or pH, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutants if such works were designed to treat such additional pollutants to a substantial degree.

Debt service charge means a charge levied on the users of the sewer utility for the retirement of capital expenditures.

Floatable oil is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection or treatment system.

Garbage means the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

GBMSD means the Green Bay Metropolitan Sewerage District.

Ground garbage means the residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be no greater than one-half inch in any dimension and will be carried freely in suspension under normal flow conditions in public sewers.

Incompatible pollutants or wastewater means wastewater with pollutants or of such a strength that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to a wastewater treatment sewerage system facility.

Industrial waste means the wastewater from industrial process, trade, or business, as distinct from sanitary sewage, and the discharge from sewage pretreatment facilities.

Lateral means the extension from the public sewer or other place of disposal beginning outside the building wall.

Municipal wastewater means the spent water of a community. From the standpoint of source, it may be a combination of the liquid- and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and stormwater that may have inadvertently entered the sewerage system.

Natural outlet means any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Parts per million shall be a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

pH means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in moles per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen ion concentration of 10^{-7} .

Phosphorus means elemental phosphorus determined by and in accordance with the procedure set forth in 40 CFR 136.

Pollutant means contaminant present in wastewater, including, but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage refuse, oil, solvents, flammables, sewage sludge, munitions, chemical wastes, biological materials, radioactive substances, heat, wrecked or discarded equipment, rocks, sand, soil, toxic substances and residential, commercial, industrial, or agricultural waste.

Pretreatment means the reduction, elimination or the alteration of pollutant properties prior to, or in lieu of, discharge into the sanitary sewer.

Public sewer means a sewer which is provided by or subject to the jurisdiction of the city and will consist of the following increments:

Collector sewer means a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

***Floor drain* means a drain which is installed in the floor of a structure designed to remove any standing water near it.**

Force main means a pipe which wastewater is carried under pressure.

Foundation drain means a system of pipes that are installed under or around the foundation or under the basement floor to collect water and move it off-site to prevent the basement from filling with ground water.

Interceptor sewer means a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

Pumping station means a station positioned in the public sewer service at which wastewater is pumped to a higher level.

Sanitary sewage means a combination of liquid- and water-carried wastes discharged from toilets and sanitary plumbing facilities, together with such groundwaters, surface waters, and stormwaters as may have inadvertently entered the sewerage system.

Sanitary sewer means a sewer that carries liquid- and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with small quantities of groundwaters, surface waters, and stormwaters that are not admitted intentionally.

Septage means the wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms. Septage does not include waste disposed at an authorized and designated dumping station for recreational vehicles.

Sewage means the spent water of a community. The preferred term is "municipal wastewater."

Sewerage system means all structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main.

Sewer service areas means the areas presently served by the municipal wastewater sewage collection system and those areas within the city identified by the current county sewage plan.

Sewer service charge means a service charge levied on users of the wastewater collection and treatment facilities for payment of use-related capital expenses as well as the operation and maintenance costs, including replacement costs associated with the facilities.

Sewer system means the common sanitary sewers within a sewerage system which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of the term "sewerage collection system."

Sewer utility means the sewer collection system components owned by the city.

Slug load means any substance released at a discharge rate and concentration which causes interference to wastewater treatment processes or plugging or surcharging of the sewer system.

Standard Methods means 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.

Storm drain or *storm sewer* means drain or sewer for conveying surface water, groundwater, subsurface water or unpolluted water from any source.

Stormwater runoff means that portion of the rainfall that is collected and drained into the storm sewers.

Suspended solids means solids that either float on the surface of, or are in suspension in, water, wastewater, septage, or other liquids, and that is removable by laboratory filtering as prescribed in 40 CFR 136 and is referred to as nonfilterable residue.

Total Kjeldahl Nitrogen (TKN) means the sum of free ammonia and organic nitrogen compounds as determined by standard laboratory procedures in accordance with 40 CFR 136, as amended from time to time. TKN is a measurable quantity which will be used as billing parameter for billing ammonia treatment costs.

Unpolluted water means water of quality equal or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Wastewater facilities means the structures, equipment, and processes required to collect, measure, meter, carry away, store, and treat domestic and industrial wastes and dispose of the effluent.

Wastewater treatment works means an arrangement of devices and structures for treating wastewater, septage, industrial wastes, and sludge. Sometimes used as synonymous with waste treatment. In the case of the city sewer utility, these facilities are owned by GBMSD.

Watercourse means a natural or artificial channel for the passage of water, either continuously or intermittently.

Wisconsin Pollutant Discharge Elimination System (WPDES) permit is a document issued by the state department of natural resources which establishes effluent limitations and monitoring requirements for a wastewater treatment facility.

(Code 2001, § 70-2; Ord. No. 07-31, § 1, 12-18-2007)

Sec. 70-3. Management, operation, and control.

The management, operation, and control of the sewer system for the city is vested in the board of public works; all records, minutes and all written proceedings thereof shall be kept by the director of public works and all financial records shall be kept by the city finance director.

(Code 2001, § 70-3; Ord. No. 07-31, § 1, 12-18-2007)

Sec. 70-4. User rules and regulations.

- (a) *General.* The rules, regulations, and sewer rates of the city set forth herein or as amended by the city, shall be considered a part of the contract with every person, company or corporation who is connected to or uses the city sewer system and every such person, company or corporation, by connecting with the sewer system, shall be considered as expressing his or her or their assent to be bound thereby.
 - (1) Whenever any of such rules and regulations are violated, the use or service may be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and may not be re-established except by order of the common council and on payment of all arrears, the costs, expenses and established charges of shutting off and putting on, and such other terms as the common council may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise.
 - (2) The right is reserved to the common council to change the rules, regulations, and sewer rates from time to time as they may deem advisable; and to make special rates and contracts in all proper cases.
- (b) *Plumbers.* No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the state and obtaining permission from the building inspection department. All service connections to the sewer main shall comply with state plumbing code.
- (c) *Use of public sewers required.*

- (1) It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city's sewer utility, any human or animal excrement, garbage or other objectionable waste.
 - (2) It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city's sewer utility, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and the NPDES permit.
 - (3) Except as provided in this section, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, except where public sewerage is not available and the required permits have been obtained.
 - (4) The owner 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, any public sanitary sewer of the city, is required, at his or her expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 30 days of written notice to do so upon failure to do so, the city may cause such connection to be made and charge the property for such costs as a special charge under Wis. Stats. § 66.0627.
 - (5) **Except as provided in this section, it is unlawful to discharge any stormwater, surface water, groundwater, roof runoff or surface drainage or any other connections from inflow sources to the sanitary sewer. Sewer customers connected to the city sewer system, both inside and outside the city limits shall pay a monthly inflow and infiltration clear water surcharge as determined by the Director of Public Works unless those customers have been adjudged exempt from such fee by certification that there are no existing or planned direct or indirect sump pumps, roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater on the sewer customer's property to a lateral or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Exemption status can be obtained by a free inspection by City staff. Upon certification of exemption, the assessment of the fee shall end after the first full monthly billing cycle after certification.**
- (d) *Water metering.* Public and private water systems shall be metered within five days for connecting the lateral system to the sanitary sewer system. The owner shall be responsible for preparing the water piping for meter installation and contacting the city water utility to install the meter. Failure to install the metering will initiate a bill for sewer usage of \$50.00 a month from the time of sewer connection.
- (e) *Application for sewer service.*
- (1) No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any sewer main or appurtenance thereof without first obtaining a written permit from the department of public works.
 - (2) Every person desiring to connect to the sewer system shall file an application in writing with the department of public works on such forms as is prescribed for that purpose. The application must state fully and truthfully all the wastes which will be discharged. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Person connected to the sewer system of the city sewer utility are referred to herein as "users."
 - (3) There shall be two classes of lateral permits:
 - a. For residential and commercial service; and
 - b. For service to establishments producing industrial wastes.

In either case, the person shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered

- pertinent in the judgment of the city. A permit and inspection fee for a lateral permit shall be paid to the city at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics and type of facility.
- (4) A lateral permit will be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
 - (5) If, in the opinion of the city, insufficient reserve capacity exists to adequately and efficiently handle the additional waste loads anticipated from a new industrial connection, such authority may:
 - a. Refuse to issue the sewer permit.
 - b. Require additional time before issuing the permit to increase the capacity of the sewer system so as to possess the capability to adequately and efficiently handle the additional anticipated waste load.
 - (6) If the type or volume of material from industrial property for which a sewer permit was previously granted shall materially and substantially change, the person granted such permit previously shall, upon order of the city:
 - a. Make a new application to the utility in the same manner and form as previously made;
 - b. Cease and desist from such discharge or be subject to disconnection, fine and other penalties provided by this chapter.
 - (7) The size, slope, alignment and materials of construction of a lateral, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Practice No. 9 and the Wisconsin Administrative Code shall apply.
 - (8) All costs and expenses incident to the installation and connection of the lateral shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the installation of the lateral.
- (f) *User to keep in repair.* All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system. The service pipe shall be defined to be the ~~building drain and floor drain and~~ lateral pipe extending from the building to the main line sewer.
 - (g) *User use only.* No user shall allow others or other services to connect to the sewer system through his or her lateral.
 - (h) *Vacating of premises and discontinuance of service.* Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system, the city must be notified. Removal of the structure shall include removal of the lateral to the property line and capping of the lateral at the property line **if the lateral is to be used again**. The owner of the premises shall be liable for any damages to the property of the system other than through the fault of the system or its employees, representatives, or agents. **if the lateral will not be used again, it shall be capped or plugged at the sanitary sewer main.**
 - (i) *User to permit inspection.* Every user shall permit the city sewer utility or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains, and sewer connections operate.
 - (j) *Construction.*

- (1) Whenever possible, the lateral shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved by the city.
 - (2) No person shall make connection of roof downspouts, ~~exterior~~ foundation drains, areaway drains, or other sources of surface runoff or groundwater to a lateral or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
 - (3) The applicant for the lateral permit shall notify the city when the lateral is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city or their representative.
 - (4) All excavations for lateral installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
- (k) *Installation of house laterals.* All service pipes (laterals) on private property will be installed in accordance with Wis. Admin. Code ch. SPS 382. As required by Wis. Admin. Code ch. SPS 382, all laterals shall be inspected as follows: The lateral and private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling. Prior to installation of any service the applicant shall obtain inspection permits from the building/plumbing inspector.
- (l) *Septage acceptance location.* No septage shall be discharged to the city's sewerage system.
- (m) *Additional authority.* The city may at any time establish specific connection and lateral charges for any main not covered by any other provisions in this chapter. In addition, the city may amend or alter any connection or lateral charge after its establishment under the terms of this chapter or previous ordinance or resolution.
- (Code 2001, § 70-4; Ord. No. 07-31, § 1, 12-18-2007; Ord. No. 13-17, §§ 10, 15, 8-20-2013)

Sec. 70-5. Use of the public sewerage system.

- (a) *General discharge prohibitions.* No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the city:
- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the city wastewater facilities or the GBMSD wastewater treatment works.
 - (2) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
 - (3) Any wastewater having a pH less than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system.
 - (4) a. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in state or federal categorical pretreatment standards.
 - b. A toxic pollutant shall include, but not be limited to, any pollutant identified in the toxic pollutant list set forth in Wis. Admin. Code ch. NR 215.
 - (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

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- (6) Any substance which may cause the city and GBMSD effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
 - (7) Any substance which will cause the city and GBMSD to violate its WPDES and other disposal system permits.
 - (8) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
 - (9) Any wastewater having a temperature which will inhibit biological activity in the GBMSD wastewater treatment works resulting in interference; but in no case, wastewater with a temperature at the introduction into GBMSD wastewater treatment works which exceeds 65 degrees Celsius (150 degrees Fahrenheit).
 - (10) Any slug load, which means any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference to GBMSD's wastewater treatment works.
 - (11) Any unpolluted water, including, but not limited to, non-contact cooling water.
 - (12) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the authority in compliance with applicable state or federal regulations.
 - (13) Any wastewater which causes a hazard to human life or creates a public nuisance.
 - (14) Any stormwater, surface water, groundwater, roof runoff or surface drainage or any other connections from inflow sources to the sanitary sewer. Such waters may be discharged to a storm sewer or other waterway with permission of the city.
 - (15) Any discharge into the sanitary sewerage system that is in violation of the requirements of GBMSD's ordinances and WPDES permit and the modifications thereof.
 - (16) All restaurants are required to install and maintain grease interceptors in accordance with the state plumbing code.
 - (17) It is unlawful to discharge to any natural waterway within the sewer utility jurisdiction or in any area under the jurisdiction of the sewer utility any sewage or other polluted waters, without first obtaining a WPDES permit.
- (b) *Limitations on wastewater strength.*
- (1) *National Categorical Pretreatment Standards.* National Categorical Pretreatment Standards as promulgated by the U.S. Environmental Protection Agency shall be met by all dischargers of the regulated industrial categories.
 - (2) *State requirements.* State requirements and limitations on discharges to GBMSD shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable ordinance.
 - (3) *Green Bay Metropolitan Sewerage District requirements.* GBMSD requirements and limitations on discharges to GBMSD publicly owned treatment works shall be met by all dischargers.
 - (4) *Right of revision.* The city reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to GBMSD where deemed necessary to comply with the objectives set forth in this chapter.
 - (5) *Dilution.* No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.
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(6) *Accidental discharges.*

- a. Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the director of public works for review and shall be approved by the same before construction of the facility. Review and approval of such plans and operating procedures by the director of public works shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.
- b. Dischargers shall notify the director of public works and the GBMSD immediately upon the occurrence of a slug load, or accidental discharge of substances prohibited by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any discharger who discharges a slug load of prohibited materials shall be liable for any expense, loss or damage to the city's wastewater facilities or the GBMSD's wastewater treatment works, in addition to the amount of any fines imposed on account thereof under state or federal law.
- c. Signs shall be permanently posted in conspicuous places on the discharger's premises, advising employees of whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

(Code 2001, § 70-5; Ord. No. 07-31, § 1, 12-18-2007)

Sec. 70-6. Control of industrial and septage wastes.

- (a) *Industrial discharges.* Each person discharging other than a normal sewage to a public sewer shall prepare and file with the approving authority a report that shall include pertinent data relating to the quantity and characteristics of their wastes in accordance with state DNR requirements. 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 approving authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged in accordance with the DNR requirements. If any waters or wastes are discharged, or proposed to be discharged to the public sewerage system contain substances or possess the characteristics enumerated in section 70-5(a) and which, in the judgment of the city, may be detrimental to the sewerage system, the city may:
 - (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the sewerage system.
 - (3) Require a control over the quantities and rates of discharge.
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under this article.
 - (5) Require approval from the GBMSD prior to accepting the discharge.
- (b) *Control manholes.*
 - (1) *Construction.* Each person discharging industrial wastes into a public sewer shall cause to be constructed and maintained one or more control manholes or access points to facilitate observation, measurement, and sampling of wastes, including domestic sewage.

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- (2) *Measurement of flow.* The volume of flow used for computing the sewer service and the cost recovery charges for domestic disposal shall be based upon the water consumption of the person as shown in the records of meter readings maintained by the city water utility.
 - (3) *Provision for deductions.* In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the city that more than ten percent of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the city and the industrial waste discharger.
 - (c) *Metering of waste.* Devices for measuring the volume/strength of waste discharged may be required by the city if this volume/strength cannot otherwise be determined from the metered water consumption records. Where required by the city, metering devices for determining the volume/strength of water shall be installed, owned, and maintained by the city. The cost and expense for all metering shall be paid by the person discharging the wastewater.
 - (d) *Waste sampling.*
 - (1) Industrial wastes discharged into the public sewers shall be subject to inspection and a determination of character and concentration of the wastes on a schedule set by the city.
 - (2) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment.
 - (3) Access to sampling locations shall be granted to the city or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.
 - (e) *Pretreatment.* When required, in the opinion of the city, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the sewerage system, the discharger shall provide at his or her expense such preliminary treatment or processing facilities as may be required to render his or her wastes acceptable for admission to the public sewers.
 - (f) *Grease and sand interceptors.* Grease, oil, and sand interceptors shall be provided by the industrial discharger and other operations depending on the character of the discharge and shall be located as to be readily and easily accessible for cleaning and inspection. Furthermore, grease interceptors shall be provided by restaurant dischargers. In the maintaining of these interceptors, the discharger 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.
 - (g) *Analyses.*
 - (1) All measurements, tests, and analyses of the characteristics of waters or wastes to which reference is made in this article shall be determined in accordance with 40 CFR 135. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the city.
 - (2) Determination of the character and concentration of the industrial wastes shall be made by the city. If the person discharging the waste contests the determination, the discharger may elect to have an independent laboratory determine the character and concentration of the waste. The independent laboratory shall be certified under Wis. Admin. Code ch. NR 149 and shall be acceptable to both the city and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger or by other agreement with the city.

- (h) *Submission of information.* Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or processing facilities shall be submitted for review of the city prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.
- (i) *Submission of basic data.* Each person who discharges industrial wastes to a public sewer shall prepare and file with the city a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the sewerage system. Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the city a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.
- (j) *Extension of time.* When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person proposing to discharge a waste, to comply with the time schedule imposed herein, a request for extension of the time may be presented for consideration by the city.

(Code 2001, § 70-6; Ord. No. 07-31, § 1, 12-18-2007; Ord. No. 13-17, § 15, 8-20-2013)

Sec. 70-7. Violations and penalties.

- (a) *Damages.* No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure of pertinence or equipment which is a part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- (b) *Written notice of violation.* Any person connected to the sewerage system found to be violating a provision of this chapter shall be served by the city with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.
- (c) *Accidental discharge.*
 - (1) *Violation.* Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the sewerage system and the GBMSD and receiving body of water shall, in addition to a fine, pay the amount to cover all damages.
 - (2) *Reporting.* Any person responsible for an accidental discharge which may have a detrimental impact on the sewerage system, shall immediately report the nature and amount of the discharge to the city and the GBMSD.
- (d) *Continued violations.* Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation beyond the notice time limit provided shall be subject to such forfeiture as the common council may determine by resolution of the common council.
- (e) *Liability to city for losses.* Any person violating any provision of this chapter shall become liable to the city for any expense, loss, or damage occasioned by reason of such violation which the city may suffer as a result thereof.
- (f) *Damage recovery.* The system shall have the right of recovery from all persons, any expense incurred by the system for the repair or replacement of any part of the sewerage system damaged in any manner by any person by the performance of any work under their control, or by any negligent acts.
- (g) *Penalties.* Any person who shall violate any of the provisions of this chapter or rules or regulations of the city or who shall connect a service pipe or discharge without first having obtained a permit therefor; or who shall violate any provisions of state law or rules or any other materials which are incorporated by reference, shall be subject to such forfeiture as may be determined by resolution of the common council.

(h) *Amendments.* The city may amend this chapter in part or in whole whenever it may deem necessary.

(Code 2001, § 70-7; Ord. No. 07-31, § 1, 12-18-2007)

Sec. 70-8. 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 ensure that each user of the sewerage system pays their fair and proportionate share 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 wastewater and a fixed 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 levied.* A sewer service charge is levied and assessed upon each improved lot, parcel of land, building, or premises 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) *Nonmonitored 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, but excluding industrial waste:
- Service charge.* The sum of fixed customer charge and volume charge.
 - Fixed customer charge.* The sum of volume charge, meter charge, administrative oversight, billing preparation charge, and infiltration/inflow charge.
 - Volume charge.* A volume charge consisting of the GBMSD rate and the city rate shall be charged to all users based on water used as more fully set forth below.
 - 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 1,000 gallons.
 - City rate.* The city rate shall be expressed as a rate per 1,000 gallons.
 - Volume rate.* The volume rate shall be the combination of the GBMSD rate and the city rate per 1,000 gallons of water, metered or sewage discharged.
 - Individual water use basis.* The volume charge for residential users shall be based on the individual user's water use as follows:

Block 1	First 18,000 gal./month or 54,000 gal./qtr.
Block 2	18,001 to 180,000 gal./month or 54,001 gal./qtr. to 540,000 gal./qtr.
Block 3	Over 180,000 gal./month or 540,000 gal./qtr.

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

- Service charge.* The sum of monthly fixed customer charge, quantity charge, and sampling charge.

- b. *Administrative fee.* The sum of expenses incurred in administering monitored user accounts.
- 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 sampling as required by the director of public works.* Metering and sampling shall consist of water meters, automatic sewage flow meters, and automatic samplers where, in the opinion of the director of public works, such installations are required to determine accurate volume and strength measurements of sewage discharge. Periodic sampling and metering may be utilized to determine value 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. *Volume charge.* The volume charge for metered users shall be based on the water use as follows:

Block 1	First 18,000 gal./month or 54,000 gal./qtr.
Block 2	18,001 to 180,000 gal./month or 54,001 gal./qtr. to 540,000 gal./qtr.
Block 3	Over 180,000 gal./month or 540,000 gal./qtr.

The volume charge for each metered user shall not exceed ten percent of the variable expenses for the collection system as adopted in the rate analysis.

- f. *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.
- (3) *Rate determinations.* The common council shall establish by resolution each year the rates referred to herein; and the common council shall have the right to amend, modify, adjust, or change the rates at any time as deemed necessary.

(Code 2001, § 70-8; Ord. No. 08-06, § 2, 4-15-2008)

Sec. 70-9. Billing practice.

- (a) *Billing periods.* Sewer service charges in this section for users without metering and 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 28, 2008. Monitored users that have metering and sampling shall be billed by the water department on a monthly basis.
- (b) *Payment.* Users billed by the water department 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 department or any other officially designated location at the same time that the water bills become due. Monitored users being billed directly by the water department shall make payment to the water department. Checks shall be made payable to the city clerk.
- (c) *Penalties for late payment of sewer service charges.*
 - (1) *Delinquency.* Bills for sewer service charges levied and assessed in accordance with this chapter and resolutions adopted pursuant hereto and the rules and regulations of the city water utility shall

become due and payable within 20 days after the date of billing. All overdue accounts shall be charged a penalty of 1½ percent per month on the unpaid balance due, including penalties.

(2) *Unpaid balances.*

- a. 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 Wis. Stats. § 66.0821, and the city clerk shall record such lien in accordance with applicable statutes.
- b. Metered customers who discharge into any part or component of the city's public sewer system who are 45 or more days delinquent on any sewer charge levied hereunder may also be prohibited from further discharge into the city's public sewer system in accordance with the procedure as set forth herein.
 1. Written notice of the metered customer's delinquency shall be given to the customer by the director of public works. Such notice shall include a provision advising the metered customer that failure to pay such delinquency in full within 15 days of receipt of the notice may result in the city's termination of the metered customer's access to the city's sewer system.
 2. If payment in full is not made within the time given and if the metered customer has not provided the director of public works with a mutually satisfactory timeline, not to exceed 60 days, in which such delinquency is to be fully satisfied, the director of public works may determine to terminate the customer's access to the city's public sewer system. In making such determination, the director of public works shall consider the following:
 - (i) The length of time the delinquency has continued;
 - (ii) The total amount of the delinquency;
 - (iii) The average monthly sewer service charge of the customer;
 - (iv) Whether prior unpaid delinquencies within the past five years were placed upon the tax roll by the city pursuant to Wis. Stats. § 66.0821;
 - (v) Other relevant financial information supplied by customer.
 - A. If the director of public works determines to terminate the customer's access to the city's public sewer, a five-calendar-day warning notice shall be personally delivered to the customer's city location. If the customer does not pay the entire delinquency, including penalties and interest within the five-calendar-day period, the director of public works may cause such access to be terminated.
 - B. If the director of public works determines not to terminate such access, the director shall employ such other means to ensure compliance with payment requirements by the customer as the director deems necessary, including, but not limited to, obtaining electronic funds transfer authorization from such customer.
 - C. The director's determination hereunder is subject to the appeal process of subsection (d) of this section.
 3. The metered customer shall be responsible to pay all costs associated with terminating or reconnecting such customer's access to the city's sewer system.

(3) *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 \$100.00 nor more than \$2,500.00 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.

- (4) *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.
- (d) *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 chapter may file with the director of public works a written request for reconsideration within ten 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 ten days after notification the action, file a written appeal with the board of public works.

(Code 2001, § 70-9; Ord. No. 08-06, § 3, 4-15-2008; Ord. No. 08-11, § 1, 5-20-2008)

EXHIBIT 4

LETTER TO PROPERTY OWNERS REGARDING THE NEW SUMP PUMP INSTALLATION MANDATE

CITY OF DE PERE

Engineering Division

925 S. Sixth Street, De Pere, WI | 920-339-4061 | www.deperewi.gov/engineering



DATE

Property Owner
Owner Street
City, State Zip Code

Re: Foundation Drain Disconnection Program – **June 2024 Update**
LOCATION, (PARCEL ID#)

Dear Property Owner,

This letter serves to update you on the City's Foundation Drain Disconnection Program (FDDP). The City previously sent correspondence introducing you to this program in May and October of 2023.

Starting January 1, 2025 the City will begin mandating the installation of sump pumps, city-wide, regardless of the year of building construction. The sump pump installation mandates will be issued when a property is found to have an active foundation drain or is found to be actively contributing clear, ground water through the City's annual sewer maintenance and inspection program, or through the inspection of any permit issued by the Building Inspection Division.

The Foundation Drain Disconnection Program is a property owner led project, meaning property owners are responsible for completing the work, having work inspected, and submitting for reimbursement. Once the foundation drain disconnection and sump pump installation work is permitted and inspected by the City's Building Inspection team, the City will reimburse the property owner directly per the terms and conditions of the program.

Once the new mandate goes into effect, the City will continue to cost share for the installation of sump pumps and disconnection of foundation drains. Through December 31, 2024, any property that completes or indicates they are planning to install a sump pump and disconnect their foundation drains by June 30, 2025 will be eligible for the following reimbursement:

80% of work with a maximum reimbursement of \$4,000. This covers up to \$5,000 in total work completed for those properties volunteering to participate in the FDDP.

Starting January 1, 2025, any property that has been mandated or is voluntarily participating in the disconnection of foundation drains and installation of foundation drains will be eligible for the following reimbursement:

50% of work with a maximum reimbursement of \$2,500. This covers up to \$5,000 in total work completed for those properties where the City mandates that foundation drains are disconnected, and a sump pump is installed.

Work required to dig through the basement floor to disconnect foundation drains and to install a sump pump crock, sump pump and associated plumbing and electrical appurtenances to discharge the clear water to the lawn would be considered reimbursable through this program. Additional underdrain installation or storm sewer lateral installation to the right-of-way would not be reimbursable under this program.

Exemptions

Any property not required to have a sump pump pursuant to the Uniform Dwelling Code shall be considered exempt from this program. These properties include any home constructed on slab, built with a crawl space, or those homes that do not currently have a foundation drain and do not actively contribute clear, ground water to the sanitary sewer system. If you haven't already, please contact the City of De Pere Building Inspection Division at 920-339-4052 to schedule a free inspection to determine if your property is exempt or not.

Inspection

Permitting and inspection will be completed through the City's Building Inspection Division. Contractors will be required to obtain a plumbing permit for the improvements related to disconnecting foundation drains and installing sump pumps. Work will need to be approved either through an in-person inspection by Building Inspection staff or through the review of a post-construction televising of the property owner's sanitary sewer lateral with a signed affidavit from a licensed/master plumber that the work is following the City's Municipal Code.

For more information and updates regarding this program, please visit the City of De Pere website at www.deperewi.gov/inflow and click the "Foundation Drain Disconnection Program" link on the bottom of the page.

Respectfully yours,
DEPARTMENT OF PUBLIC WORKS



Chase K Kuffel, PE
Assistant City Engineer

cc. Eric Rakers, City Engineer
Scott Thoresen, Director of Public Works