

APPENDIX 2

Code of Ordinances 10-115, 58-679, 86-102, 86-133 and 86-159

Sec. 10-115. - Clear water discharge; sump pumps.

- (a) Reserved.
- (b) Reserved.
- (c) Reserved.
- (d) Reserved.
- (e) Reserved.
- (f) Reserved.
- (g) Gaining access to conduct tests. If the plumbing inspector or his designated agent suspects an illegal clear water discharge as defined by this section or by any other applicable provision of the Wisconsin administrative code as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists. If consent to enter for inspection and testing purposes has been denied, the plumbing inspector shall obtain a special warrant as provided for in Wis. Stats. § 66.0119.

(Code 1957, § 7.10; Ord. No. 82-525, 6-1-1982; Ord. No. 98-953, § I, 8-11-1998; Ord. No. 2018-1513, § I, 3-13-2018)

Sec. 58-679. - Clear water discharge; sump pumps.

- (a) All other rulings pertaining to rain water connections shall be as per state code.
- (b) Clear water discharge and sump pumps shall also adhere to article IV, Plumbing Code of the City of Mequon Code of Ordinances.
- (c) Sump pump discharge.
 - (1) All sump pumps installed for the purpose of discharging clear waters from foundation drains and ground infiltration must:
 - a. Be directly connected to a storm sewer when available.
 - b. Where the building is not serviced by a storm sewer, the sump pump shall discharge to the roadside drainage ditch. The discharge location shall be at the top of the ditch or as approved by the City Engineer or his/her designee.
 - c. Where a storm sewer or roadside drainage ditch is unavailable, the sump pump discharge may be made to an approved drainage facility only with the approval of the City Engineer or his/her designee.
 - d. Sump discharge shall not be allowed to drain onto a paved roadway or curb and gutter.
 - e. In no case shall the sump pump discharge be directed towards or onto adjacent properties or create a nuisance.
 - (2) Sump pump discharge pipes at the structure shall be located above the permanent ground grade unless otherwise approved by the City Engineer or his/her designee. A pipe disconnect coupling shall be installed so that the above ground portion of the discharge pipe can be disconnected from the underground portion if necessary during freezing weather.
- (d) Buildings in existence prior to July 1, 1973, and having sump pumps installed for the purpose of discharging clear water from foundation drains and ground infiltration may discharge either into a storm sewer lateral leading to a storm sewer, drainage ditch or onto the ground.
- (e) Any new sump pump crocks installed shall adhere to section 58-679(c).

- (f) The plumbing inspector or his designated agent may complete inspections in accordance with section 10-115.

(Ord. No. 2018-1513, § II, 3-13-2018)

Sec. 86-102. - Maintenance and repair of sewer laterals.

- (a) *Definitions* . The definitions contained in this chapter are hereby incorporated by reference and shall apply unless another definition is expressly provided in these rules. In addition, the following words shall have the following definitions:

Defects means cracks, broken pipe, crushed pipe or open or broken cleanout cap or riser, open or offset joints, root intrusion, or other imperfection in a sanitary sewer pipe which can potentially allow entry of ground water into the sanitary sewer system. Defects shall also include direct connections as defined below.

Direct connections means connections of roof drains, foundation drains, or similar conduits to the sewer lateral or main line which may allow entry of rain, surface drainage, or groundwater into the sanitary sewer system.

Grace period means the 90-day calendar day period beginning on the date of the notice of defect. The city may make incentives available, during the grace period to encourage property owners to replace defective private sewer laterals. Penalty assessments shall begin at the end of the grace period.

Lateral means any side lateral off a sewer main line which is in the public right-of-way or easement, operated and maintained by the city and to which a private service lateral (or building sewer) connects or may connect.

Lateral preventive and corrective maintenance means those activities required to preserve or restore functional operation and the free-flowing condition of sanitary sewer laterals. These activities include, but are not limited to, inspection, root and blockage removal, and cleaning.

Lateral structural maintenance means those construction, pipe repair, pipe lining and pipe replacement activities required to correct defects and preserve the structural integrity and watertight condition of sanitary sewer laterals.

Private main sewer means a sanitary sewer collector located on private property which may serve one or more buildings or parcels and is maintained privately. The system includes mains, manholes and private service lateral.

Private service lateral means that portion of the sanitary sewer system extending from the street right-of-way or public easement line to the building cleanout, or if no cleanout exists, to a point five feet outside the building. Also referred to as a "building sewer" in the uniform plumbing code.

- (b) *General provisions.*
- (1) *Standard of maintenance.* All property owners shall be responsible to maintain the private sewer lateral serving their property in a condition free from defects, as provided in this chapter
 - (2) *Application within City of Mequon* . These rules shall apply throughout the city to all areas served by the public sanitary sewer collection system.
- (c) *Maintenance responsibility.*
- (1) *Responsibility for private sewer lateral and private sewer main preventive and corrective maintenance.* All lateral and private main sewer preventive and corrective maintenance activities outside the publicly owned right-of-way or easement shall be the responsibility of the property owner.
 - (2) *Responsibility for lateral and private main sewer structural maintenance.* Structural maintenance of the portion of the private service lateral and private main sewer on private

property outside the publicly owned right-of-way or easement shall be the responsibility of the property served by the lateral or private main sewer.

(d) *Projects or opportunities to address high inflow and infiltration flows.* Projects may be initiated from time to time by the director of public works and will include investigation of basins of the sanitary sewer system identified as high inflow and infiltration basins, and such other areas as the director may designate or by identification of defects as part of the city's annual inspection/maintenance activities, which may result in the need for system repair and/or correction of defects to reduce inflow and infiltration.

(e) *Inspection of private service laterals.*

(1) *Inspection and investigation methods.* The city may at any time inspect and investigate the condition of sanitary private service laterals or private sewer mains using:

- a. Flow monitoring
- b. Television inspection (both mainline and private service laterals)
- c. Smoke testing
- d. Dye testing
- e. Air or water pressure tests
- f. Exfiltration tests
- g. Direct visual observation of material or function
- h. Indirect measurement
- i. Other appropriate methods

Investigation and inspection may additionally include public mainlines and manholes.

Investigation and inspection methods shall not be harmful to the operation of the system and may be used to identify, verify, and quantify locations and amounts of infiltration and inflow into the sanitary sewer system. The city shall determine the scope and methods to be used for the portion of the system to be inspected.

(2) *Inspection and investigation notice.*

a. *Notice to property owners.* Where inspection or investigation methods, such as lateral television inspection or location require physical entry onto private property by city staff and equipment, the city shall obtain permission to perform the inspection from the owner. If the property owner refuses to allow the city to enter the property, the city may obtain an administrative search warrant. Notice shall also be given to any occupants as provided in this chapter.

b. *Notice to occupants.* Where investigation methods such as smoke testing are used that may impact structures or their occupants, the city shall attempt to notify occupants prior to performing the investigation and inform them of any precautions they may wish to take to reduce potential inconvenience to themselves or the property. The city shall not be required to notify property owners of inspections or investigations which do not require staff or equipment to enter the property. In addition, notice shall be given by door hangers or personal contact, and may be given by general press release.

(f) *Notice of defects and required corrections.* Where inspection or investigation reveals defects in the sanitary sewer lateral or private sewer main on private property outside the city's right-of-way, no further proof is needed for the city to require the system to be replaced or repaired to current standards. The property owner shall be required to correct the defects or pay a penalty in accordance with this section. The city shall inform the property owner in writing of the type and location of the defect and of the time in which correction of the defect is required. If the owner and responsible user of the lateral elect to dispute the opinion of the city, they may test the service at their own expense in the presence of the city. The test must be conducted using the best current

technology available at the time and must be conclusive. Disputes on corrective measures to be done shall be appealed to the public works committee whose decision shall be final. The results of the test or the order of the public works committee will be the basis of the final replacement or repair decision.

- (1) *Permits required.* Any person intending to perform structural maintenance work on a private service lateral or private main sewer may do so only after obtaining all city and other required permits. The city may elect to waive permit fees from time to time on specifically approved inflow and infiltration projects.
 - (2) *Notice of completion of repairs.* The property owner shall notify the city that the permitted corrections have been corrected and shall request an inspection by the city. The city retains the right to require additional information from the property owner and to inspect the correction or repair to assure that it has been done in accordance with all applicable rules and codes. If the repair is found to be adequate, the city shall notify the owner and the owner shall make the necessary corrections. The city shall notify the property owner of acceptance of the repair.
 - (3) *Notice of defects; correction not required.* Where inspection or investigation reveals apparent flaws in a structure's interior plumbing which do not contribute inflow or infiltration to the sanitary sewer system, the city may, but is not required to, inform the property owner of the type and location of such flaws, if known. However, any structure not in compliance with the plumbing code requirements of the state and with local ordinances, must be corrected as the applicable code may require.
- (g) *Repair of lateral defects; schedule and limits of lateral structural maintenance.*
- (1) The city shall determine the schedule for its mainline and/or lateral structural maintenance work in road right-of-way or easements in designated rehabilitation areas and may perform work with its crews or by contract according to that schedule. Nothing in this section shall require the city to modify its structural maintenance schedule or compensate property owners for structural maintenance work performed ahead of the city's schedule.
 - (2) If, when performing structural maintenance on a lateral, the city discovers that the condition, location, or material of the existing pipe is such that a structurally sound connection at the right-of-way line can not be made without further repair or replacement on private property, the city shall make a temporary connection, document the nature of the defect, and secure the excavation area. The city shall provide written notice to the property owner of the existence of the defect and temporary connection. Unless the excavation area is a public safety hazard, the notice shall provide a time certain not less than five, nor more than ten days for the property owner to complete the required repair on private property. Upon expiration of such time, the city may backfill the excavation area. The city shall not be required to correct defects or perform lateral pipe repair work on private property, nor shall it be responsible for any additional cost to the property owner due to failure to perform repairs within the time specified in the notice.
- (h) *Enforcement and remedies.*
- (1) *Civil penalty.*
 - a. *Assessment .* Failure to take action to correct identified defects as required in these rules shall be deemed to be a public nuisance and a violation of city ordinances for such nuisances. For any failure to correct defects in a privately owned or maintained lateral or private main sewer, the schedule of civil penalties shall be as provided in this subsection. Penalties shall be assessed beginning at the end of a 90-calendar-day grace period following mailing or posting a notice of defect to the property owner. The civil penalty schedule shall be \$200.00 per month, subject to any extensions or suspensions that the city may approve pursuant to these rules.
 - b. *Suspension of penalty collection .* If the property owner requests it, the city may suspend collection of penalties for up to six months to allow the property owner additional time to make the required repair. Penalties will continue to accrue during the suspension period. If corrective action has not been taken with the six-month suspension period, all accrued

penalties shall become due and payable on the first day of the first month following the suspension period and monthly thereafter. The suspension of penalty period will not be available to property owners with direct connection defects only.

- (2) *Other remedies.* Any civil penalties imposed under these rules shall be in addition to the collection of the regular sewer service fee or charge and any other fines, penalties, damages, or legal remedies available to the city.
- (i) *Incentives for timely completion of repairs.*
- (1) Subject to budgetary limitations established by the common council, the city may offer a monetary incentive as provided in this section to encourage property owners to make the required repairs quickly and to help offset the cost of the repairs. The city shall not be required to offer or continue the incentive program, except as authorized by the common council.
 - (2) The incentive program, if offered, shall apply to the 90-day grace period following the date of the notice of defect. If the property owner has requested an inspection but the inspection authority is unable to perform the inspection within the time limits, the date of the documented inspection request shall be used to determine the amount of the incentive.
 - (3) Eligible repairs costs are limited to those costs for excavating and burying pipe, relining existing laterals or spot repairs to existing laterals or cleanouts between the building and the connection to the lateral. This specifically excludes landscape repairs, and other repair costs incidental to repairing pipe in the ground.
 - (4) Any property owner requesting a monetary incentive payment as provided in this section shall submit a complete application to the city no later than 60 days following inspection and acceptance of the repair by the city. A complete application shall include: the name and address of the owner, and certification by the applicant that repairs were not paid for by a renter, lessor, or any other person, a copy of the invoice for the repair work which shall separately show restoration costs not eligible for incentive payment.
 - (5) In no case shall the monetary incentive exceed the documented cost of repair actually incurred by the property owner to remedy the defects listed in the notice sent pursuant to this section. In order to accomplish the city's objective of eliminating inflow and infiltration in the city's sewer system, the common council may establish an incentive program for a limited time and purpose, to compensate property owners for all or partial costs incurred.
- (j) *Financial assistance.* Upon application by a property owner required to repair the private lateral or private main sewer as required by this section, the city engineer is granted authority to enter into an agreement with the property owner for installment payments on the following basis:
- (1) The property owner shall select a licensed contractor to complete the required work and provide the city with a cost estimate of the work to be completed.
 - (2) Prior to authorizing the contractor to proceed with the work, the property owner shall meet with the city engineer and sign an application, a waiver of special assessment and agreement to pay the repair costs based on the estimate plus 25 percent. The application for installment payments shall be on the prescribed form and shall constitute a lien upon the property.
 - (3) The application shall provide for an annual payment for a period not to exceed five years. Interest shall accrue on the balance due at the prime interest rate plus two percent. Payment of annual installment may be made by October 1 of each year or included as part of the annual tax bill.
 - (4) At the time of completion and inspection of the repair work, the city shall make payment to the contractor based on the actual billing submitted to the owner by the contractor and adjust the installment payment to reflect the actual cost.

(Code 1957, § 23.07; Ord. No. 2000-1004, § 1, 9-13-2000)

Sec. 86-133. - Clear water discharge into sanitary sewer.

- (a) *Prohibited.* The discharge of clear water into the sanitary sewer system is prohibited.
- (b) *Inspections.* The inspection officers of the city shall make such inspections as are necessary to determine where clear water infiltration exists. In making such inspections, they shall obtain special inspection warrants under Wis. Stats. § 66.0119 as may be needed.
- (c) *Orders to owner.* Upon determining that a clear water connection or clear water infiltration exists, city inspection officers shall issue appropriate orders to abate, correct or eliminate such connection of infiltration within a reasonable time, not to exceed 30 days. This order shall be sent to the owner by certified mail at the address shown on the tax roll.
- (d) *Penalty .* Failure to eliminate a clear water discharge into a sanitary sewer, after proper notice, shall result in issuance of a citation.

(Code 1957, § 23.08; Ord. No. 96-900, 11-12-1996)

Sec. 86-159. - Sanitary sewer service charges.

- (a) When and after a connection is made to the city sanitary sewer system, sanitary sewer services charges shall be levied against all residential and non-residential property in accordance with chapter 66 of this Code of Ordinances.
- (b) It shall be unlawful for the owner of any establishment, to have an illegal connection which allows a clear water inflow into the sanitary sewer system.

(Code 1957, § 2.16(4); Ord. No. 84-552, 3-13-1984)