

**City of Stevens Point
SPECIAL COMMON COUNCIL MEETING**

Lincoln Center
1519 Water Street

October 1, 2012
5:55 P.M.

1. Roll Call
2. Consideration and Possible Action on Recodifications to Chapter 3 (Officials, Boards, Employees) and Chapter 13 (Water and Sewage Systems) of the RMC.
3. Adjournment.

RMC- Revised Municipal Code

Any person who has special needs while attending this meeting or needs agenda materials for this meeting should contact the City Clerk as soon as possible to ensure that reasonable accommodation can be made. The City Clerk can be reached by telephone at (715) 346-1569, TDD #346-1556, or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481.

Copies of ordinances, resolutions, reports and minutes of the committee meetings are on file at the office of the City Clerk for inspection during the regular business hours from 7:30 A.M. to 4:00 P.M.

CHAPTER 3
OFFICIALS, BOARDS, EMPLOYEES

Section

- 3.01 Organization under Mayoral Plan
- 3.02 Mayor
- 3.03 Comptroller/Treasurer
- 3.04 City Clerk
- 3.05 City Attorney
- 3.06 Alderperson
- 3.07 Term of Office - Elected Officials
- 3.08 Term of Office - Appointive Officials
- 3.09 City Assessor
- 3.10 Appointment and Confirmation - Appointive Officials
- 3.11 Oaths of Office
- 3.12 Vacancies
- 3.13 Assistants/Deputies
- 3.14 Board of Public Works
- 3.15 Department of Public Works
- 3.16 Director of Public Works
- 3.17 City Engineer
- 3.18 City Plan Commission
- 3.19 Community Development Authority
- 3.20 Director of Community Development
- 3.21 Housing Advisory Committee
- 3.22 Building Inspector
- 3.23 Electrical Inspector
- 3.24 Plumbing Inspector
- 3.25 Weed Commissioner
- 3.26 Zoning Administrator
- 3.27 Board of Park Commissioners
- 3.28 Director of Parks & Recreational Services
- 3.29 Board of Police & Fire Commissioners
- 3.30 Police Chief
- 3.31 Fire Chief
- 3.32 Police and Fire Commission Staff
- 3.33 Police and Fire Commission Rules and Regulations
- 3.34 Transportation Commission
- 3.35 Board of Water & Sewerage Commissioners
- 3.36 City Member on County Space and Properties Committee
- 3.37 Qualifications - City Officials, Members of Commissions and Department Heads
- 3.38 Bonds to be Filed by City Officers
- 3.39 Salaries of Mayor, Alderperson, Elected Officials
- 3.40 Appointment of Election Officials and Their Compensation
- 3.41 Opening and Closing of Polls

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Section

- 3.42 Pension System
- 3.43 Public Records
- 3.44 Destruction of Records
- 3.45 Travel Expense
- 3.46 Other Board and Commissions
- 3.47 Telecommunications Commission
- 3.48 Board of Review
- 3.49 Personnel Committee
- 3.50 Grievance Procedure

3.01 ORGANIZATION UNDER MAYORAL PLAN. The government of the City of Stevens Point, organized and constituted under Chapter 62 of the Wisconsin statutes, provides for the city mayor and aldermanic plan with a common council composed of eleven (11) alderpersons, one from each ward except for wards eight and twelve which shall be represented by one alder person.

3.02 MAYOR. The mayor shall be the chief executive officer of the city and shall have such powers and duties as are prescribed in section 62.09(8) of the Wisconsin statutes or as prescribed by ordinance.

3.03 COMPTROLLER-TREASURER. It shall be the duty of the city comptroller-treasurer to collect and account for all taxes, license monies, fees, accounts, or charges due or owing the city, and to perform such other duties and powers as are required by section 62.09(9) and (10) of the Wisconsin statutes or as may be prescribed by ordinance of the common council.

3.04 CITY CLERK. The city clerk shall serve as clerk of the common council and be responsible for the publication, filing, indexing and safekeeping of all proceedings of the common council. The clerk shall be responsible for all election duties as required by the laws of the State of Wisconsin and shall keep and maintain all election records and be responsible for all property used in connection with the holding of elections. He/she shall publish all legal notices unless otherwise provided; file and preserve all contracts, bonds, oaths of office, and other documents not required to be filed elsewhere. The clerk shall issue all licenses required by ordinance or state statute except as otherwise provided. The clerk shall be the custodian of the official seal and shall notify the appointing authority or any board or commission thirty (30) days prior to the expiration of the term of office of any member thereof. The clerk shall serve as custodian of the city hall.

3.05 CITY ATTORNEY. The city attorney shall be responsible for the conduct of all legal services of the city and shall serve as legal advisor to the council, the mayor, and all departments and offices of the city. He/she shall be in charge of the prosecution of all cases arising out of the violation of the provisions of the city ordinances. The city attorney shall represent the city in matters in which the municipality is interested before any court or tribunal and shall perform such other duties as may be required by the mayor or council. It shall be the duty of the city attorney to call to the attention of the mayor and council all matters of law affecting the city.

3.06 ALDERPERSON. The term of office of alderperson shall be for two (2) years. The alderpersons from the even numbered wards shall be elected in the regular spring election held in the even numbered years and those from the odd numbered wards in the odd numbered years. They shall take office the third Tuesday in April.

3.07 TERM OF OFFICE - ELECTED OFFICIALS. All elected officials, with the exception of the alderpersons, shall serve four year terms. The mayor shall serve a four year term commencing in 1971, to be elected every four years thereafter. The comptroller/ treasurer, city clerk, and city attorney shall serve four year terms commencing in 1973, to be elected every four years thereafter. All such elected officials shall be elected in the spring election, held the first Tuesday of April. The mayor shall assume office on the third Tuesday in April, and the remaining three officials on May 1 of the year of their election.

3.08 TERM OF OFFICE - APPOINTIVE OFFICIALS. The following officials shall be appointed by the mayor and confirmed by the common council for two year terms commencing January 1, 1975 and ending December 31, 1976, and every two years thereafter:

Director of Community Development
Director of Parks & Recreational Services
Director of Public Works

3.09 CITY ASSESSOR.

(1) It shall be the duty of the city assessor to perform all work in the assessing of property and the preparation of all assessments as required by state law.

(2) Whenever the assessment of any real property shall be increased over the assessment of the same property for the previous year, the city assessor shall cause written notice to be mailed to the owner of the property setting forth the amount of such increase, which notice shall be mailed not more than ten (10) days after the assessor certified the tax roll to the city clerk.

(3) The assessor shall be elected by the common council for a two year term, commencing January 1, 1975 and ending December 31, 1976, and every two years thereafter.

(4) Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law: in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of its official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats.

3.10 APPOINTMENT AND CONFIRMATION - APPOINTIVE OFFICIALS. A majority of all the members elect of the common council shall be necessary to confirmation of an appointment made by the common council or to confirmation of an appointment made by the mayor. On a vote of confirmation by the common council, the vote shall be by ayes and nays.

3.11 OATHS OF OFFICE. Every person elected or appointed to an office shall take and file his/her oath of office with the city clerk within ten days after notice of the respective election or appointment.

3.12 VACANCIES.

(1) In Elective Offices. Vacancies in elective offices shall be filled as follows, except as provided in Chapter 17 of the Wisconsin statutes.

Mayor - by appointment by the common council.

Aldersperson - by appointment by the common council.

Elective offices - all other elective offices shall be filled by appointment by the mayor and put to the confirmation of the common council.

(2) Tenure of Office. A person so appointed shall hold office until a successor is elected and qualified. The successor shall be elected for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in the event it happens ninety (90) days or more before such day, but if such vacancy occurs less than ninety (90) days before such first Tuesday of April, such successor shall be elected on the first Tuesday of April of the next ensuing year; but no election to fill a vacancy in such office shall be held at the time of holding the regular election for such office.

(3) In Appointive Offices. Vacancies in appointive offices shall be filled by the appointing power in the manner prescribed by law for making regular full term appointments.

(4) Vacancies, When Occurring. See Chapter 17 of Wisconsin Statutes.

3.13 ASSISTANTS/DEPUTIES. The office of city assessor, city attorney, city clerk, city comptroller-treasurer may appoint an assistant or deputy as set forth in the Wisconsin statutes. However, no such assistants shall receive compensation from the city unless previously provided by ordinance.

3.14 BOARD OF PUBLIC WORKS.

(1) There is hereby created for the City of Stevens Point, pursuant to section 62.14 of the Wisconsin statutes, a board of public works which shall consist of the mayor, who shall be the presiding officer, the comptroller/treasurer and five (5) alderpersons. The alderpersons shall be appointed by the mayor at the organization meeting in April for a term of one year, subject to the confirmation of the common council.

3.15 DEPARTMENT OF PUBLIC WORKS.

(1) There is hereby created for the City of Stevens Point a department of public works which shall have charge of the supervision and control of:

(b) The construction, operation and maintenance of all streets, sidewalks, public alleys, bridges, viaducts, highways, parking lots, rights-of-way, including the placement and operation of signs, signals, meters, and lighting fixtures.

(c) The control, management, and supervision of all city shops and garages, including all equipment and vehicles.

(d) The making of all necessary surveys, maps, public works plans, drawings, and other documents.

(e) The preparation of contract drawings, specifications and cost estimates for all public works construction and maintenance and the supervision of such construction, including field inspection.

(f) The collection and disposal of all rubbish and garbage and the cleaning of all streets and alleys, including snow removal operations.

(g) The administration and maintenance of all public buildings.

(2) Exceptions: The provisions of this ordinance shall not be applicable to the activities of the fire department, the Stevens Point Community Development Authority, the Stevens Point Housing Advisory Committee, the board of water and sewerage commissioners, and the board of park commissioners, except public construction in excess of statutory limits.

3.16 DIRECTOR OF PUBLIC WORKS. The director of public works shall be under the supervision of the board of public works and shall perform such duties as are prescribed by the common council and the board from time to time.

3.17 CITY ENGINEER.

(1) The city engineer shall perform all engineering services for the department and for such other departments of the city as may be required. The supervision of all construction work undertaken by the city shall be furnished by the city engineer except as otherwise ordered by the mayor.

(2) All water and other public service mains shall be laid to a line and grade given or approved by the city engineer, and the laying of mains and location of valves and hydrants shall be directed or approved by the city engineer.

(3) The city engineer shall have power to engage such clerical and other assistance as he/she shall deem necessary, subject to the approval of the mayor, and subject to approval by the common council.

(4) No other or additional engineering service shall be employed by any city department without consent duly obtained from the mayor subject to approval by the common council.

3.18 CITY PLAN COMMISSION.

(1)

(a) How constituted. The City Plan Commission shall consist of the Mayor, an alderperson and five (5) citizens so that the commission shall at all times consist of seven (7) members. Citizen members shall be persons of recognized experience and qualifications. They shall have no compensation for services on the commission.

(b) All members of the Commission shall be appointed by the Mayor who shall also choose the presiding officer. Appointments to the City Plan Commission shall be subject to confirmation by majority vote by all members of the Common Council.

(c) Appointments shall be made by the Mayor during the month of April for terms of three years, expiring in April or at any other time if a vacancy occurs during the middle of a term. The Mayor and alderperson appointed shall serve as an "ex officio member" and their three-year terms shall cease upon their vacation of office at which time the Mayor shall appoint a successor alderperson to such position.

(2) Duties. The functions and duties of the commission shall be as follows: The commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens.

The commission may recommend to the mayor or council, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the commission within a reasonable time such available information as it may require for its work. The commission, its members and employees in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

(3) Matters referred to the Commission. The council, or other public body or officer of the city having final authority thereon, shall refer to the city plan commission, for its consideration and report before final action is taken by the council, public body, or officer, the following matters:

The location and architectural design of any public building.

The location of any statute or other memorial.

The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley, or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds. The location, extension, abandonment or authorization for any public utility whether publicly or privately owned.

All plats of lands in the city or within the territory over which the city is given platting jurisdiction by chapter 236 of the Wisconsin statutes.

The location, character, extension or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion.

The amendment or repeal of any ordinance adopted pursuant to this section.

(4) The commission shall have such further duties and functions as are prescribed by the common council and by section 62.23 of the Wisconsin statutes.

3.19 COMMUNITY DEVELOPMENT AUTHORITY. Pursuant to section 66.4325 of the Wisconsin statutes, a community development authority is created, as follows:

(1) It shall be deemed a separate body politic and corporate for the purpose of carrying out blight elimination, slum clearance, urban renewal programs and projects, and housing projects.

(2) It is also authorized to act as the agent of the city in planning and carrying out community development programs and activities approved by the mayor and common council under the Federal Housing and Community Development Act of 1974 and as agent to perform all acts, except the development of the general plan of the city, which may be otherwise performed by the planning commission under Wisconsin statutes 66.1301 to 66.1327, 66.1331, 66.1337 or 66.1105.

(3) Any programs and projects begun by the housing redevelopment authorities shall, hereafter be transferred to and completed by the Community Development Authority. Any procedures, hearings, actions or approvals taken or initiated by the redevelopment authority under Wisconsin statutes 66.1333 on pending projects are deemed to have been taken or initiated by the Community Development Authority as though the Community Development Authority had originally undertaken such procedures, hearings, actions or approvals.

(4) Any form of indebtedness issued by the housing or redevelopment authorities shall be assumed by the community development authority, except as indicated heretofore. The title to all real estate now owned by the redevelopment and/or housing authority shall now vest in the community development authority without further action or conveyance and all conveyance hereto made by the community development authority of real or personal property is ratified and confirmed in all respects.

(5) All contracts entered into between the federal government and a housing or redevelopment authority, or between such authorities and other parties, shall be assumed by the community development authority, except for the termination of operations by housing and redevelopment authorities. Housing and redevelopment authorities may execute any agreements contemplated by this subsection. Contracts for disposition of real property entered into by the redevelopment authority with respect to any project shall be deemed contracts of the community development authority without the requirement of amendments thereto. Contracts entered into between the federal government and the redevelopment authority or the housing authority shall bind the community development authority in the same manner as though originally entered into by the community development authority.

(6) The community development authority may execute appropriate documents to reflect its assumption of the obligations set forth in this subsection.

(7) Should it be determined that the housing authority has issued bonds or other securities that require the operation of the housing authority in order to fulfill its commitments with respect to the discharge of principal or interest, or both, it may continue in existence solely for that purpose. The housing advisory committee shall continue to collect rentals, sign leaseholds, and generally operate such buildings as are required to pay off the indebtedness which is secured by the housing authority buildings.

(8) How Constituted: The community development authority shall consist of seven (7) resident persons having sufficient ability and experience in the fields of urban renewal, community development and housing. The mayor shall, with confirmation of the common council, appoint such commissioners, two of which shall be members of the common council and shall serve ex officio during their terms of office as council members.

The first appointments of the five non-council members shall be for the following terms: 2 for one year and one each for terms of 2, 3, and 4 years. Thereafter, the terms of other members shall be 4 years or until their successors are appointed and qualified. Vacancies shall be filled for the unexpired term as provided in this subsection.

(9) Powers and Duties. The community development authority shall have all powers, duties, functions set out in Wisconsin statutes 66.1201 and 66.1333 for housing and redevelopment authorities and as to all housing projects initiated by the community development authority it shall proceed under Wisconsin statutes 66.1201 and as to all projects relating to blight elimination, slum clearance, urban renewal and redevelopment programs, it shall proceed under Wisconsin statutes 66.1301 to 66.1327, 66.1331, 66.1333, 66.1337 or 66.1105 as determined appropriate by the common council on a project by project basis.

As to all community development programs and activities undertaken by the city under the Federal Housing and Community Development Act of 1974, the community development authority shall proceed under all applicable laws and ordinances not inconsistent with the laws of this state. In addition, the community development authority may act as agent of the city to perform all acts, except the development of the general plan of the city, which may be otherwise performed by the planning commission under Wisconsin Statutes 66.1301 to 66.1327, 66.1331, 66.1337, or 66.1105.

3.20 DIRECTOR OF COMMUNITY DEVELOPMENT. The director of community development shall be under the direction and supervision of the mayor and common council.

3.21 HOUSING ADVISORY COMMITTEE. There is hereby created a housing advisory committee for the City of Stevens Point. Its duties, powers, membership and appointment of members shall be determined by the community development authority. All actions taken by the housing advisory committee shall be subject to ratification by the community development authority.

3.22 BUILDING INSPECTOR. There is hereby created the office of city building inspector who shall have the powers and duties as outlined in section 62.23(9)(a) of the Wisconsin statutes. The building inspector shall also have the powers and/or supervision of the electrical inspector, plumbing inspector, housing inspector, weed commissioner and zoning administrator and shall be the administrative head of the inspection department.

3.23 ELECTRICAL INSPECTOR. There is hereby created the office of electrical inspector whose duties, powers and qualifications are prescribed in section 19.02 of this code.

3.24 PLUMBING INSPECTOR. There is hereby created the office of plumbing inspector whose duties, powers and qualifications are prescribed in section 18.03 of this code.

3.25 WEED COMMISSIONER. The mayor may appoint annually a commissioner of weeds who shall have the power to investigate and order noxious weeds and quack grass ten inches high or over destroyed as required by section 94.02 of the Wisconsin statutes and chapter 21.03 of this code.

The weed commissioner shall, after having given five (5) days written notice to the property owner, cause all such weeds to be destroyed and charge the cost to the property owner.

3.26 ZONING ADMINISTRATOR. There is hereby created the office of zoning administrator whose duties, powers and qualifications are prescribed in section 23.03 of this code.

3.27 BOARD OF PARK COMMISSIONERS.

(1) There is hereby created for the City of Stevens Point, pursuant to section 27.08 of the Wisconsin statutes, a board of park commissioners, whose duty it shall be to determine policies concerning the operation of the parks and recreation facilities, subject to the approval of the common council.

(2) Members and Terms. The board of park commissioners shall consist of eleven members, three of whom shall be alderpersons, appointed by the mayor, subject to confirmation by the common council, for terms of three (3) years each, commencing on the first Monday in May of the year of appointment. Appointments shall be made annually in such a manner that three members shall be appointed each year.

(3) Organization of Board. The board shall meet and elect a chairman and vice-chairman and perfect the organization thereof as such board may determine and shall adopt rules and regulations from time to time. The board shall appoint a secretary who shall keep written minutes of all board proceedings.

3.28 DIRECTOR OF PARKS & RECREATIONAL SERVICES. The director of parks and recreational services shall be under the direction and supervision of the mayor and common council and shall implement policy as determined by the board of park commissioners, in conjunction with the common council. The director shall also implement policy regulating the cable franchise as determined by the telecommunications commission, in conjunction with the common council.

3.29 BOARD OF POLICE AND FIRE COMMISSIONERS. The Board of police and fire commissioners for the City of Stevens Point shall consist of five (5) citizen members appointed by the mayor, three of whom shall constitute a quorum for purposes of conducting the business of the Police and Fire Commission of Stevens Point. The board shall have the powers and authority conferred under the provisions of Section 62.13 of the Wis. State statutes. Between the third Monday in April and the third Monday in May the Mayor shall annually appoint one person to a five year term on the Commission. No appointment shall be made which will result in more than three members of the Board belonging to the same political party. The board shall have such powers, duties, and functions as are prescribed in Section 62.13 of the Wisconsin statutes for an optional power Police and Fire Commission.

3.30 POLICE CHIEF. The Chief of Police shall supervise the police department under the direction of the Police & Fire Commission. The chief is responsible for the department's governance, efficiency, and general good conduct. The chief shall perform all duties proscribed by the Constitutions of the United States and Wisconsin, by the laws of the state of Wisconsin and by the ordinances of this city. The Chief shall work cooperatively with the Administrative Director of the Police and Fire Commission. The Chief shall have general supervision thereof as outlined in Chapter 5 of this code.

3.31 FIRE CHIEF. The Fire Chief shall supervise the fire department under the direction of the Police & Fire Commission. The chief is responsible for the department's governance, efficiency, and general good conduct. The chief shall perform all duties proscribed by the Constitutions of the United States and Wisconsin, by the laws of the state of Wisconsin and by the ordinances of this city. The Chief shall work cooperatively with the Administrative Director of the Police and Fire Commission. The Chief shall have general supervision thereof as outlined in Chapter 6 of this code.

3.32 POLICE AND FIRE COMMISSION STAFF

(1) The Police and Fire Commission Administrative Director shall be appointed by the Police and Fire Commission and serve at its pleasure. The Director shall perform such assigned duties and tasks as outlined in the position description.

(2) The Police and Fire Commission Information Technology Network Administrator shall be appointed by the Police and Fire Commission and serve at its pleasure. The IT Administrator shall report to the Administrative Director and perform such assigned duties and tasks as outlined in the position description.

(3) The Administrative Assistant of the Police Department shall also serve as the Secretary to the Police and Fire Commission. This person shall perform those secretarial support duties assigned by the Commission and/or the Administrative Director. In the event this person is temporarily unable or unavailable to perform the assigned duties the Fire Department Administrative Assistant will perform the assigned duties.

(4) The Administrative Director shall be responsible for supervising and controlling the activities of those civilian personnel assigned to the City of Stevens Point Emergency Dispatch, Records Management, and Parking Control functions. A Police Department Lieutenant will be assigned to perform duties assigned by the Administrative Director.

3.33 POLICE AND FIRE COMMISSION RULES AND REGULATIONS

(1) The Police and Fire Departments shall plan and operate according to the Strategic Vision Plan of the Commission and each Department as originally approved and as may be amended in the future. The strategic vision plans, the mission statement, the ethics/values statement, and the rules and regulations of the Commission, and an employee's appropriate Department will be trained and reviewed annually with every Department employee. Failure to act according to the principles of these documents is grounds for disciplinary action including possible termination of employment based on the severity of the underlying offense.

(2) The Administrative staff of the Police and Fire Commission shall support the Police and Fire Departments by providing all necessary services required to facilitate the orderly functioning of the Departments. Such support to include but not limited to:

- a) Intake of all requests for emergency Fire, EMS, and/or Law Enforcement services.
- b) Prompt, efficient dispatch of the service requests to the appropriate agency(s).
- c) Information technology support of all ems, fire and law enforcement hardware, network, and software needs.
- d) Maintaining all official activity records generated in support of all ems, fire, and law enforcement activities.
- e) Directing and controlling all parking system activities by the civilian parking enforcement staff.

(3) The Director shall cause to be made and kept all records of Commission, Police Department, and Fire department proceedings as may be deemed necessary. These records shall be kept in electronic format in accordance with the standards and procedures established in Section 16.61(7), Wisconsin Statutes so that reproductions of such electronic records shall be deemed original records. Prior to the destruction of any police records, the State Historical Society shall be notified. Records created prior to January 2009 may be preserved from the original format either electronically or on microfilm and deemed as the best available original copy.

(4) The Police Chief and the Fire Chief, in the exercise of their duties, shall have the power to prescribe, promulgate, and enforce such rules and regulations as are deemed necessary for the efficient and effective operation of the Department. These rules shall be consistent with the Federal or State constitutions, the laws of the state, or the ordinances of the city. The written rules and regulations compiled, adopted, and published by the chief of police are hereby approved and shall be in force and effect until changed or amended by Chief or as directed by the Commission.

(5) Under provisions of Section 19.21 Wisconsin Statutes the Administrative Director shall support the chiefs of the two departments by causing to be kept and preserved such records as may be specifically provided by ordinance or deemed necessary by the Commission, and/or the Chiefs.

(6) The Chiefs and the Administrative Director shall report to the police and fire commission such information as the Commission may require.

(7) Each chief shall work with the Administrative Director to prepare and submit to the commission a budget for their Department for the City's next fiscal year. The Administrative Director shall prepare and submit a separate budget plan for all public safety functions under the Director's control. The draft budget will be presented to the Commission as part of the annual City budget process.

(8) When hiring new police officers, firefighter/paramedics, and/or civilian employees, the Chief of the affected Department and the Commission shall follow the procedures set forth in Section 62.13 Wisconsin State Statutes, city ordinances, and Commission Administrative rules and regulations.

(9) Neither the Chief nor the Commission shall discriminate or show bias against any class, race, and/or gender of person when hiring a new employee however veterans of the armed services may receive a hiring preference on their competitive examination.

(10) No member of the Police or Fire Department shall be considered for promotion unless he/she has a minimum of five (5) years prior service in law enforcement if a police officer or the fire service if a firefighter/paramedic, three of these years must be as an employee of the City of Stevens Point.

(11) All original appointments to the police and fire departments shall include an eighteen (18) month probationary period. This language is subject to modification based on language in existing collective bargaining agreements as of 05/01/2010.

(12) All promotional appointments shall include a twelve (12) month probationary period. This language is subject to modification based on language in existing collective bargaining agreements as of 05/01/2010.

(13) Achieving permanent appointment status is dependent upon the conduct of the appointee and their perceived fitness for duty, as indicated by the performance evaluation reports of the Departments' Training officers, Supervisors, and the Chief of the Department.

(a) At any time in the 18 month probation period an original appointee may be dropped from the service upon the recommendation of the Department Chief with the concurrence of the Police and Fire Commission.

(b) A promoted person will be returned to their previous rank if not recommended for permanent appointment upon the recommendation of the Department Chief with the concurrence of the Police and Fire Commission.

(14) All sworn members of the Police and Fire Departments must maintain a valid Wisconsin driver's license at all times during the course of their employment.

(15) Off-duty Police and Fire Department personnel may be required to return to duty to assist in the protection of life and property in support of their Department's mission.

(16) It shall be the duty of all persons in the City when called upon by any police officer or firefighter/paramedic to promptly aid the officers in the execution of their official duties.

3.34 TRANSPORTATION COMMISSION.

(1) There is hereby created a transportation commission which shall have the authority to operate, conduct, maintain, and otherwise supervise transportation systems operated by the City of Stevens Point and subject to review by and approval of the common council.

(2) The transportation commission shall have the authority to supervise and review the activities of other transportation systems operating within the City of Stevens Point, other than taxi cabs and limousines, and excluding all non-profit and government agencies that may operate vehicles for parallel purposes, subject to review by and approval of the common council.

(3) How Constituted. The commission shall consist of seven (7) members, two of whom shall be alderpersons. All members shall be appointed by the mayor and approved by the common council, one of whom shall be designated chairman by the mayor.

(a) The initial members of the commission shall consist of present members of the transit commission. Their initial term shall correspond with that granted to them as a transit commissioner. Thereafter, the term of office of each member appointed shall be three years.

(b) The two council members shall be appointed annually by the mayor and confirmed by the common council, which term shall expire on the third Tuesday in April of each year after appointment.

3.35 BOARD OF WATER & SEWERAGE COMMISSIONERS.

(1) That pursuant to Section 66.0805(6) and 66.0821 of the Wis. Stats., the Common Council of the City of Stevens Point shall exercise general control, and shall be responsible for the entire management and supervision and operation of the Water and Sewerage System. The governing body shall adopt such rules for the control and operation of the system as may be necessary. It shall through its agents keep books of accounts and records as prescribed by the Wisconsin Public Service Commission.

(2) There is hereby created the position of Director of Water and Sewage Treatment who shall be appointed by the Mayor subject to confirmation by the Common Council who shall serve for a two-year term. The Director shall have those duties and responsibilities as may be determined from time to time by the Common Council.

(3) There is hereby created an advisory board of Water and Sewage Commissioners which shall consist of five members appointed by the Mayor and approved by the Common Council for terms of five years each, so as to have one commissioner appointed each year. The term of each newly elected commissioner shall begin on the first day of October of the year of appointment.

(4) The commission shall choose from among their members a president and secretary and shall make recommendations to the Common Council on the operation of said utility.

(5) Each commissioner, with the exception of the President, shall receive as compensation a sum not to exceed \$500 per year. The President shall receive a sum not to exceed \$600 per year.

3.36 CITY MEMBER ON COUNTY SPACE AND PROPERTIES COMMITTEE. The mayor shall appoint one alderperson, or him/herself, subject to approval by the common council, to serve on the Portage County Space and Properties Committee. The member shall be appointed on the third Tuesday in April for a three (3) year term.

In the event the space and properties committee member ceases to be an alderperson, or mayor, during the three year tenure, the appointment shall lapse automatically and the mayor shall appoint a successor to complete the unexpired term.

3.37 QUALIFICATIONS - CITY OFFICERS, MEMBERS OF COMMISSIONS AND DEPARTMENT HEADS.

(1) Except as otherwise provided, or hereinafter enumerated, no person shall be eligible for election, appointment, or employment as an officer, department head, or member of a board or commission of the City of Stevens Point unless he/she shall be at the time of his/her election, appointment, or employment, a citizen of the United States and shall reside within the City of Stevens Point. Such officers and department heads shall include the Mayor, Aldermen, Clerk, City Attorney, Comptroller/Treasurer, Assessor, Director of Community Development, Director of Parks and Recreational Services, Director of Public Works, Director of Public Utilities and Transportation, Administrative Director of the Police and Fire Commission, , and Chief of Police. The Fire Chief shall reside within the service district of the current Metro Fire District.

(2) That in the event any department head or officer, except elected, is initially employed under a probational status, such person shall not be required to obtain city residency during the probationary period, and shall be granted thirty (30) days in which to establish residency after the date of final confirmation of appointment.

(3) Any officer, department head, or member of a commission or board of the City of Stevens Point who moves his/her residence outside the corporate limits shall be automatically removed from his/her position on the same date that the transfer of residence takes place.

3.38 BONDS TO BE FILED BY CITY OFFICERS. The amount of the bonds required by section 62.09(4)(b) of the Wisconsin statutes to be filed by certain city officers shall be as follows:

Comptroller/Treasurer. One hundred thousand dollars (\$100,000); provided, however, that the city comptroller/treasurer shall be exempted from giving any additional bond under the provisions of section 70.67(1) of the Wisconsin statutes, conditioned for the accounting and paying over according to law all taxes of any kind which shall come into his/her hands and which he/she is required to pay to the county treasurer and in lieu thereof the City of Stevens Point, Portage County, Wisconsin pursuant to the provisions of subsection (2) of section 70.67, Wisconsin statutes, do hereby obligate the City of Stevens Point to pay, in the event the comptroller/treasurer shall fail to do so, all taxes of any kind required by law to be paid by such treasurer to the county treasurer.

3.39 SALARIES OF MAYOR, ALDERPERSON, ELECTED OFFICIALS. Salaries shall be as determined by the common council. Contact city clerk's office.

3.40 APPOINTMENT OF ELECTION OFFICIALS AND THEIR COMPENSATION.

(1) Appointment. There shall be five election officials at each polling place at each election, except that the number of election officials may be reduced or increased at the discretion of the clerk to no less than three nor more than eleven. Election officials shall be chosen in accordance with Section 7.30 of the Wisconsin Statutes. The officials of each ward shall elect a chairman from their midst at the first election after appointment.

(a) Greeters. The City Clerk is authorized to appoint one additional inspector to serve at each polling place without regard to party affiliation who shall serve as a greeter to answer questions and to direct electors to the proper locations for registration and voting and who shall be available to substitute for other election officials who must leave the room during the voting process.

(2) Compensation. Election officials shall receive \$9.50 per hour. The official chosen as Chairman of the election officials in each District shall receive \$10.50 per hour. Election officials serving at nursing home facilities for voting by such residents prior to Election Day shall receive \$10.00 per hour. Any election official attending a school of instruction prior to an election shall receive compensation based on their position as outlined above. The election officials coming from each District to City Hall to the central count location shall be compensated an additional \$10 to cover duties performed in the central count location.

3.41 OPENING AND CLOSING OF POLLS. The polling places for all official elections in the City of Stevens Point, whether general, primary, or special, shall be opened at 7:00 o'clock in the morning and closed at 8:00 o'clock in the evening on election days; provided, however, that any voter awaiting his turn to vote, whether within the polling place or in the line outside the polling place at the time of the closing of the polls, shall be permitted to vote.

3.42 PENSION SYSTEM. For the purpose of establishing a permanent pension fund for eligible city employees the City of Stevens Point elects to accept the provisions of and be bound by Chapter 40 of the Wisconsin statutes, relating to the creation and operation of a municipal retirement system to be effective as of January 1, 1944. The provisions, terms, and conditions of said Chapter 40 are hereby incorporated herein by reference to the same force and effect as though said provisions, terms and conditions were herein set forth and enumerated.

3.43 PUBLIC RECORDS. Public records and information related to same shall be governed by Chapter 19, Subchapter II, Public Records and Property, of the Wisconsin statutes, and as may be amended from time to time.

3.44 DESTRUCTION OF RECORDS.

(a) City officers may destroy the following non-utility financial records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or any auditor licensed under Chapter 442, Wisconsin statutes, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the state public records board pursuant to section 16.61(3)(e), and then after such shorter period:

1. Bank statements, deposit books, slips and stubs.
2. Bonds and coupons after maturity.
3. Canceled checks, duplicates and check stubs.
4. Payrolls and other time and employment records of personnel included under the Wisconsin Retirement Fund.
5. Receipt forms.
6. Special assessment records.
7. Vouchers, requisitions, purchase orders, and all other documents pertaining thereto.
8. Financial reports other than annual financial reports.

(b) City officers may destroy the following utility records of which they are the legal custodians and which are considered obsolete after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442, Wisconsin statutes, subject to state Public Service Commission regulations, but not less than seven years after the record was effective unless a shorter period has been fixed by the state Public Records and Forms Board pursuant to Section 16.61(3)(e), Wisconsin statutes, and then after such a shorter period, except that water stubs, receipts of current billings and customer ledgers may be destroyed after two years:

1. Assessment rolls and related records, including Board of Review minutes.
2. Contracts and papers relating thereto.
3. License and permit applications, stubs and duplicates.

(c) City officers may destroy the following records of which they are the legal custodian and which are considered obsolete, but not less than seven years after the record was effective unless another period has been set by statute, and then after such a period, or unless a shorter period has been fixed by the state Public Records and Forms Board pursuant to section 16.61(3)(e), Wisconsin statutes, and then after such a shorter period:

1. Correspondence and communications.
2. (Not used)
3. Oaths of office.
4. Reports of boards, commissions, committees, and officials duplicated in the common council proceedings.

5. Election notices and proofs of publication.
6. Voter record cards.
7. Officers' bonds.
8. Bicycle registrations.
9. Traffic accident reports and all other supporting records pertaining thereto, including witness statements, photographs, hit and run reports.
10. Police field interview/interrogation reports.
11. Police field warning and courtesy warning violation tickets and reports.
12. Bicycle violation tickets.
13. Parking and parking meter violation tickets and all other supporting records pertaining thereto.
14. Police telephone line tape recordings.
15. Tape recordings of statements to police.
16. Desk report of police activities.
17. Police radio logs.
18. Police departmental notices.
19. Police noise/disturbance records.
20. Police property inventory records.
21. Application, license, and permit records kept by the police department.
22. Student worker employment time records.
23. Police teletype message records.
24. Police vacant property reports.
25. Curfew warning reports.
26. Chemical test reports (breath, blood, urine) and all other supporting records pertaining thereto.
27. Police radar reports and all other supporting records pertaining thereto.
28. Police re-sentencing motion records.
29. School safety cadet records.
30. Police vehicle maintenance records.
31. Supporting statistical records for police monthly reports.
32. Employment applications.
33. Animal bite reports.
34. Noise, disturbance, loud party and related records.
35. Trial/hearing data and witness fee reports.
36. Parent/guardian permission records for fingerprinting of children.
37. Injunctions, restraining orders and related records which are copies of the original records.
38. Overnight parking registers.
39. Police car and radio assignment/check-out registers.
40. Police squad car check sheets.
41. Police (security/burglar) alarm and fire alarm records.
42. Police radio frequency tape recordings.
43. Video tape recordings kept by the police department.
44. Stolen property tickler records.

45. Dispatch case number assignment records.
46. Police training, score, test and related records which are outdated by obsolescence.
47. Probation and parole lists.
48. Inmate release notices.
49. Apprehension requests, missing person reports, and related records.
50. Vehicle inspection records.
51. Transient aid records kept by the police department.

(d) Unless notice is waived by the State Historical Society, at least 60 days notice shall be given the State Historical Society prior to the destruction of any record as provided by Section 19.21(4)(a), Wisconsin statutes.

(e) Any tape recordings of a governmental meeting of the city may be destroyed, erased, or reused no sooner than 90 days after the minutes of the meeting have been approved and published, if the purpose of the recording was to make minutes of the meeting.

(8) Preservation through Microfilm. Any city officer, or the director of any department or division of city government may keep and preserve public records in his or her possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Section 16.61(7)(a) and (b), Wisconsin statutes, and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and subsections (4) through (6) of this ordinance.

(9) Severability. The provisions of this ordinance are severable. If a section, subsection, paragraph, sentence, clause, or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance.

3.45 TRAVEL EXPENSE. Any city official or employee attending any school, convention, or any meeting at which or for which the city pays any of the expenses, shall file an itemized verified statement of the expenses for which reimbursement is claimed with the auditor and when requested by the common council, shall furnish receipts or evidences of the payment of such expenditures. Unless such statements are filed and unless such evidences of expenditures or receipts are furnished when requested by the council, no reimbursement or payment of city funds of such expenditures shall be made.

3.46 OTHER BOARDS AND COMMISSIONS.

- (1) Board of Appeals. See City Zoning Ordinance.
- (2) Affirmative Action/Fair Housing Committee.
- (3) Historic Preservation/Design Review Commission.
- (4) Canvassing Committee.

3.47 TELECOMMUNICATIONS COMMISSION.

(1) Telecommunication Commission Established.

(a) There is established a telecommunications commission composed of nine (9) persons with two (2) members representing local educational institutions, three (3) members representing the common council, and four (4) members representing the general public; all nine to be appointed by the mayor subject to approval by the common council. Of the six education and public representatives, three terms shall expire in even numbered years, and three shall expire in odd numbered years to provide continuity. Initially, the mayor shall make appointments of one or two years to achieve the staggered terms, and thereafter, appointments shall be for two year terms for the education and public representatives and one year terms for the common council representatives.

(b) In making recommendations for said commission, the mayor shall consider any applications submitted by interested persons as well as such other persons as may come to the attention of the mayor as being qualified. At least six of the members shall be cable subscribers.

(2) The telecommunications commission shall advise the city concerning the city's continuing regulatory jurisdiction over any franchise(s) granted under the Telecommunications Ordinance.

(3) Organizational structure of the Telecommunications Commission.

(a) The telecommunications commission shall adopt such rules and regulations as are necessary to expeditiously conduct its assigned tasks. The commission shall have the power to elect its own officers, including a chairperson, assistant chairperson, and others as deemed necessary.

(b) The chairperson or his designee, shall be the commission official spokesperson in conducting business with franchisee(s), the common council and the mayor.

(4) Powers and Duties of the Telecommunications Commission. The duties of the telecommunications commission shall include the following:

(a) Investigate and recommend the resolution of disputes concerning franchise agreement(s) granted under the Telecommunications Ordinance.

(b) To investigate and recommend the resolution of disputes or disagreements between subscriber(s) and franchisee(s) when they are not able to resolve a dispute or disagreement.

(c) To review the completeness and adequacy of reports submitted to the city by franchisee(s) under the provisions of the Telecommunications Ordinance and such other correspondence as submitted to the city concerning the operation of telecommunications services so as to insure that the necessary reports are completed pursuant to the Telecommunications Ordinance.

(d) To work with the public and the media to assure that all records, rules and charges pertinent to the telecommunications service network in the city of Stevens Point are made available for inspection at reasonable hours upon reasonable notice.

(e) To confer with franchisee(s) and advise on the interconnection of the city's cable system with other cable and communication systems.

(f) To review and provide recommendations to the common council for selection of applicants for franchise under the provisions of the Telecommunications Ordinance.

(g) To the extent permitted by law, review rates charged by the franchisee(s) and provide recommendations to the Common Council.

(h) To adopt such rules and regulations as are necessary to insure that due notice is given to all parties concerning any hearing on any complaints to said commission and the hearings be held promptly in accordance with reasonable notice to all parties.

(i) To maintain a current file of all Federal Communications Commission state and local documents that pertain to telecommunications.

(j) The recommendations of the commission shall be forwarded to the common council for decisions.

(k) Request the funds it deems necessary to assist production and programming on the public access channels.

(l) Request the funds it deems necessary to assist the development of the Institutional Net.

(m) Have such other duties and responsibilities as the common council may assign to it.

(5) Regulatory Procedures.

(a) The telecommunications commission shall first consider any inquiry or proceeding requiring common council action, to be taken in regard to the telecommunications service network or franchise, whether upon application or request by the franchisee(s) or on its own motion, and shall submit such consideration, together with the commission's recommendation to the common council within thirty (30) days of the receipt of such request.

The time period for action by the common council on any commission recommendation may be extended by mutual agreement between the council and the requesting party. Any action by the common council on any commission recommendation shall be taken within sixty (60) days, including thirty (30) day notice of said action, inquiry, or proceeding published in the official newspaper having general circulation and a copy of said notice is served upon the franchisee(s). The franchisee(s) shall have an opportunity at the hearing to respond or comment in writing. Members of the public shall have an opportunity to respond or comment in writing on the proposed action and appear at said proceeding or hearing; however, such hearing or proceeding shall be set no later than ninety (90) days of the notice of hearing unless such time is extended by mutual agreement between the City and the Franchisee(s).

(b) The public notice required by this section shall state clearly the action or proposed action to be taken, the time provided for response, including response by the public, the person or persons in authority to whom such responses shall be addressed and such other procedures as may be specified by the common council. If a hearing is to be held, the public notice shall give the date, location, and time of such hearing. The Franchisee(s) is a necessary part to any hearing conducted in regard to its operation.

(6) In the event the city joins an area or regional telecommunications commission, the telecommunications commission shall exercise its powers and duties as a liaison body between that area or regional telecommunications commission and the common council.

3.48 BOARD OF REVIEW.

(1)

(a) The Board of Review of the City of Stevens Point shall consist of five (5) citizen members who shall be residents of the City and none of whom shall occupy any public office or be publicly employed.

(b) That there shall be appointed two (2) alternate members who shall serve in the event a City of Stevens Point Board of Review member is removed or unable to serve for any reason.

(2) Officers. The members of the board of review shall elect a chairman for each annual session thereof which said election shall be held at the first annual meeting of the board. The city clerk shall be the clerk of the board of review and shall keep an accurate record of all its proceedings and give the notices of meetings and adjournments as provided for by statutes.

(3) Compensation. The members of the board of review shall receive a salary of \$50.00 per day, or fraction thereof, that the board of review is in session for the purpose of hearing and considering testimony or in making their report and determination.

(4) Objections to Valuations to be Written. No person shall be permitted to appear and make objection before the Board of Review of the City of Stevens Point as to the amount of valuation of any property unless objection thereto shall first have been made in writing and filed with the clerk of the board of review prior to the adjournment of public hearings by the board. Such objections shall be submitted on forms approved by the Wisconsin Department of Taxation.

3.49 PERSONNEL COMMITTEE

(1) In addition to duties assigned elsewhere, the personnel committee shall have charge of all personnel matters arising under the Revised Municipal Code and shall be responsible for the direction of all personnel matters involving employees of the City of Stevens Point. The personnel committee shall, subject to confirmation by the council, prescribe rules and procedures for city employment, in addition to those specifically enumerated in this chapter.

The committee shall consist of five (5) alderpersons appointed by the mayor and confirmed by the common council. Appointments shall be made annually at the reorganization meeting in April.

(2) Election, Certification, Decertification, Fact Finding and Mediation. The personnel committee shall direct the conduct on behalf of the City of Stevens Point of all proceedings involving the Wisconsin Employment Relations Commission relative to the election, certification, and decertification of collective bargaining units, including proceedings for the determination of the number of employees, type of bargaining unit, and eligibility of employees in the classified service, to participate in such elections and relative to fact finding proceedings and mediation; and shall also direct all the proceedings before courts or other governmental agencies involving personnel matters.

(3) Collective Bargaining. Collective bargaining with certified bargaining units shall be carried on by the personnel committee which shall adopt, and thereafter may amend, rules and procedures governing the conduct of such bargaining (not in conflict with any other existing ordinance of the city). Department heads and supervisory personnel shall not distribute to any city employee any written communication bearing upon the subject matter or program of such collective bargaining or other employment relations matters unless such communication shall have the prior approval of the city attorney or labor negotiator designated by the common council.

(4) Agreement. The agreements reached at the conclusion of such collective bargaining shall be reduced to writing by the committee and submitted in the form of a proposed ordinance or resolution to the common council for its approval or rejection or modification.

(5) Enforcement. The city attorney is authorized to institute legal proceedings to prevent employees from continuing to engage in practices prohibited by or in violation of Chapter 3 of the Wisconsin statutes and to enforce any ordinance or resolution by the common council relative to agreements reached at the conclusion of collective bargaining procedures as provided for in (3) and (4) above.

(6) Public Hearing. Recognized city employee organizations shall submit their request to the common council which shall refer these matters to the personnel committee, which may then conduct a public hearing on the request and all interested persons may appear and state their views thereon.

(7) Employees Excluded from Recognized Bargaining Units. The mayor and personnel committee shall annually review the wages, hours, and conditions of employment of all employees not represented by recognized city employee organizations and submit their recommendations to the common council each year for the following year.

(8) The duties and responsibilities of the personnel committee and/or mayor as provided by this ordinance shall not prohibit the delegation of the implementation of such duties to a third party and/or personnel consultant. However, all final decisions concerning personnel matters shall be acted on by the personnel committee.

3.50 GRIEVANCE PROCEDURE

(1) Purpose. The purpose of this Policy is to set forth the procedure to be followed with respect to grievances by employees, union, and non-union. The terms of this Policy shall control unless another valid and enforceable grievance procedure exists in a collective bargaining agreement that applies to the matter.

This policy is intended to comply with Section 66.0509, Wis. Stats., and provides a grievance procedure addressing issues concerning workplace safety, discipline and termination. This policy applies to all employees covered under Section 66.0509, Wis. Stats., other than police and fire employees subject to Section 62.13(5), Wis. Stats. An employee may appeal any level of discipline under this grievance procedure.

(2) Definitions. A grievance is defined as a dispute or misunderstanding regarding the actions of City officials with regard to the following:

- (a) Employee termination. "Termination" includes an involuntary end to employment but excludes a voluntary quit; a layoff or failure to be recalled from layoff at the expiration of any recall period; retirement; job abandonment such as "no-call, no-show," or failure to report to work; any workforce reduction activities; job transfer; action taken for failure to meet the qualifications of a position; action taken pursuant to an ordinance other than an ordinance specifically addressing employee discharge; death; or the end of the employment of a temporary, contract or part-time employee.
- (b) Employee discipline. "Discipline" includes verbal reprimands; written reprimands; and suspensions without pay. Discipline does not include action taken because of poor job performance, performance evaluations, performance improvement plans, or counseling (verbal or written) regarding job performance.
- (c) Workplace safety. "Workplace safety" includes conditions of employment affecting an employee's physical health or safety, the safe operation of workplace equipment and tools, environmental hazards, safety of physical work environment, personal protective equipment, and workplace violence.
- (3) Preliminary Procedures.
- (a) Preliminary Grievance Steps.
- Step 1: Prior to filing a written grievance, employees should discuss any problem or complaint with his/her Immediate Supervisor to determine if the grievance can be resolved.
- Step 2: If the grievance cannot be resolved at Step 1, the employee must file a written grievance with the City Human Resource Manager no later than ten (10) calendar days from the date the employee first becomes aware of the termination, discipline, or workplace safety condition causing the grievance. The written grievance shall include: (1) a summary of the facts pertaining to the grievance and issue involved; (2) the date(s) the event(s) giving rise to when the grievance occurred; (3) a listing of all parties involved; (4) the remedy sought by the employee; and (5) the employee's signature and date. The City Human Resource Manager shall respond to the grievance in writing within ten (10) calendar days of receipt of the written grievance.
- (b) Appeal to Personnel Committee.

Step 3: If the grievance is not resolved at Step 2, the employee may appeal a denial by filing a written appeal of the grievance with the Personnel Committee within ten (10) calendar days from receipt of the City Human Resource Manager's decision. The Personnel Committee shall meet with the parties to discuss the matter. Within ten (10) calendar days of the meeting, the Personnel Committee shall issue a written decision sustaining or denying the grievance.

(4) Hearing Officer Proceedings.

(a) Appeal to Hearing Officer.

Step 4: If the grievance is not resolved at Step 3, the employee may appeal a denial by filing a written request for a hearing before a Hearing Officer.

This request must be received by the Personnel Committee no later than ten (10) calendar days after the employee receives the Personnel Committee's written response.

On appeal, the Personnel Committee shall transmit the grievance, all grievance responses, and this Grievance Procedure to the Hearing Officer. As soon as is practicable thereafter, the Hearing Officer shall schedule a date for a hearing. The hearing shall be held at a mutually agreeable time in a public building and shall be open to the public unless the Hearing Officer otherwise directs.

(b) Hearing Procedure.

The Hearing Officer shall have the authority to administer oaths and issue subpoenas at the request of the parties and shall be responsible for the fair and orderly conduct of the hearing and the preservation of the record. The hearing shall be conducted in accord with the hearing procedures of the American Arbitration Association. Any party requesting a subpoena from the Hearing Officer is responsible for the fees associated with the subpoena.

All testimony shall be taken under oath and shall be recorded by a court reporter under the supervision and control of the Hearing Officer, unless another method of recording is mutually agreed to by the parties and approved by the Hearing Officer. All costs associated with the court reporter and preparation of a transcript of the hearing shall be evenly split between the parties. In all cases, the grievant shall have the burden of proof to support the grievance. The Hearing Officer may only overrule a disciplinary action if the action taken was arbitrary or capricious.

(c) Hearing Officer Decision.

The Hearing Officer shall submit his or her decision affirming or reversing the action with the reasons therefore in writing to the Personnel Committee and the employee within thirty (30) calendar days of the close of the hearing or the submission of the parties' written briefs, if any, whichever is later, or on a later date mutually agreed upon by the parties.

(5) City Council Review.

(a) Appeal to City Council.

Step 5: Within fourteen (14) calendar days of the date that the Hearing Officer's decision is mailed, either party may file with the City Council a written notice of appeal of the Hearing Officer's determination to the City Council.

Any such appeal shall be on the written record, the preparation of which shall be the responsibility and at the cost of the party seeking the appeal. The appealing party shall supply a copy of the written record to the other party without charge. The written record shall be filed with the City Council within twenty (20) calendar days of the notice of appeal. No formal hearing shall be held before the City Council. The Council shall receive no further evidence on the matter but may request additional written submittals of the parties on matters which were raised before the Hearing Officer or, at its discretion, meet with the parties to review the matter. The City Council may retain outside counsel if necessary during the process.

(b) City Council Decision.

Step 6: Within forty (40) calendar days of the receipt of the written record, the City Council shall make and file its written decision with the Clerk's office. The Clerk or designee shall, within five (5) calendar days, mail a copy of the decision to the last known address of the employee or the employee's representative and provide a copy of the decision to the Personnel Committee. The Hearing Officer's determination may be affirmed, modified, or reversed by a majority vote of the City Council.

The City Council's decision shall be final and binding on the parties. There shall be no subsequent right of appeal.

(6) Hearing Officer Selection.

(a) Qualifications/Selection.

The City may contract with a Hearing Officer to hear and determine appeals at Step 4. Any Hearing Officer so engaged shall not be a City employee or receiving any compensation or benefits from the City other than those described below. The City Clerk or designee shall create a panel of at least three (3) individuals when needed who have indicated a willingness to serve in the capacity of Hearing Officer and who are experienced in personnel matters and/or who are active or retired attorneys, retired members of the judiciary, retired administrative staff, or currently on the list of arbitrators or mediators for the Wisconsin Employment Relations Commission. The City Clerk shall draw three (3) names and list them in order of drawing with the first drawn name being appointed as the Hearing Officer. In the event a Hearing Officer is unable to accept the designation as Hearing Officer, the next numeric selection by the Clerk shall be appointed.

(b) Compensation.

The Hearing Officer shall be compensated at the Hearing Officer's regular rate for the hearing, travel time, and time spent preparing a written decision. The compensation for the Hearing Officer will be split evenly between the parties.

(c) Conduct of Hearing.

- I) Generally. The Hearing Officer is not bound by the strict rules of procedure and the customary practices of courts of law.
- II) Opening Statements. Opening statements are optional and shall be confined to a brief summary of the nature of the case, the evidence intended to be offered, and the controlling legal authorities.
- III) Order of Proceeding. The grievant shall present evidence first.
- IV) Evidence. The Hearing Officer is not bound by common law or statutory rules of evidence. All testimony having reasonable probative value shall be admitted, and immaterial, irrelevant or unduly repetitious testimony shall be excluded. The Hearing Officer shall give effect to the rules of privilege recognized by law.
- V) Hearsay evidence may be admitted into the record at the discretion of the Hearing Officer and accorded such weight as the Hearing Officer or commission deems warranted by the circumstances.

VI) Testimony of Witnesses. (a) Witnesses may testify by answering questions posed to them. (b) Cross-examination is not limited to matters to which the witness testified on direct examination. (c) At the discretion of the Hearing Officer, witnesses' testimony may be taken via telephone rather than in person. (d) At the request of either party, the Hearing Officer may order the exclusion of the witnesses in accordance with the provisions of s. 906.15, Stats.

VII) Stipulations. Parties may stipulate to some or all of the facts that are material to a case and the Hearing Officer may base an order upon the stipulation.

VIII) Sanctions.

(a) Unless good cause can be shown, any party who fails to appear at a hearing after due notice is deemed to have admitted the accuracy of evidence adduced by the parties present and the Hearing Officer may rely on the record as made. If the absent party has the burden of proof, the Hearing Officer shall consider a motion to dismiss by the parties present without requiring presentation of any evidence.

(b) If a witness fails to appear despite the issuance of a subpoena, the Hearing Officer may seek initiation of contempt proceedings.

(c) If a witness refuses to answer a proper question or otherwise engages in misconduct, the Hearing Officer may exclude the witness, may strike all or part of the witness' testimony, may make an appropriate inference or may impose any combination of sanctions under this paragraph.

(d) The Hearing Officer may exclude persons other than witnesses from the hearing for misconduct.

(7) Settlement of Grievance. A grievance shall be considered waived if not filed or appealed within the designated grievance timelines. Dissatisfaction is implied in recourse from one step to the next step. A grievance shall be deemed settled and dismissed at the completion of any step in the grievance procedure if all parties concerned are mutually satisfied or the grievance has not been timely processed to the next level. All settlements shall be in writing and signed by the employee in question and the appropriate City official(s) involved at the step level that the grievance was settled.

(8) Revisions/Updating. This Policy may be amended or repealed by the City Council at any time.

ORDINANCE
Amending the Revised Municipal Code
of the City of Stevens Point, Wisconsin
Chapter 3 Ordinance – Officials, Boards and Employees

The Common Council for the City of Stevens Point, Portage County, Wisconsin do ordain as follows:

Section 1. That the Table of Contents, namely Section 3.35 of Chapter 3 of the Revised Municipal Code of the City of Stevens Point is hereby amended to read as follows: “3.35 Board of Water & Sewerage Commissions.”

Section 2. That Subsection (2) of Section 3.14 of Chapter 3 of the Revised Municipal Code of the City of Stevens Point is hereby repealed.

Section 3. That paragraphs (a) and (h) of Section 3.15(1) of Chapter 3 of the Revised Municipal Code of the City of Stevens Point are hereby repealed.

Section 4. That paragraphs (b) thru (g) of Section 3.15(1) of Chapter 3 of the Revised Municipal Code of the City of Stevens Point are hereby renumbered commencing with paragraph (b) of Subsection (1) of Section 3.15 to reflect paragraphs (a) thru (f) of said Section.

Section 5. That Subsection (2) of Section 3.15 of Chapter 3 of the Revised Municipal Code of the City of Stevens Point is hereby amended to read as follows:

(2) Exceptions: The provisions of this ordinance shall not be applicable to the activities of the fire department, the Stevens Point Community Development Authority, the Stevens Point Housing Advisory Committee, the board of water and sewerage commissioners, and the board of park commissioners, except public construction in excess of statutory limits.

Section 6. That Section 3.35 heading is hereby amended to read as follows: “3.35 Board of Water & Sewerage Commissions.”

Section 7. That the Preamble contained in Section 3.35 of Chapter 3 of the Revised Municipal Code of the City of Stevens Point is hereby repealed.

Section 8. That Subsection (1) of Section 3.37 of Chapter 3 of the Revised Municipal Code of the City of Stevens Point is hereby amended to read as follows:

(1) Except as otherwise provided, or hereinafter enumerated, no person shall be eligible for election, appointment, or employment as an officer, department head, or member of a board or commission of the City of Stevens Point unless he/she shall be at the time of his/her election, appointment, or employment, a citizen of the United States and shall reside within the City of Stevens Point. Such officers and department heads shall include the Mayor, Aldermen, Clerk, City Attorney, Comptroller/Treasurer, Assessor, Director of Community Development, Director of Parks and Recreational Services, Director of Public Works, Director of Public Utilities and Transportation, Administrative Director of the Police and Fire Commission and Chief of Police. The Fire Chief shall reside within the service district of the current Metro Fire District.

Section 9. This ordinance shall take effect upon passage and prior promulgation pursuant to Section 66.0103(1) of the Wisconsin Statutes.

Approved: _____
Andrew J. Halverson, Mayor

Attest: _____
John V. Moe, Clerk

Dated _____

Passed _____

Published _____

CHAPTER 13

WATER AND SEWERAGE SYSTEMS

Section

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13.01 BOARD OF WATER, &SEWERAGE COMMISSIONERS. There shall be a board of five commissioners appointed according to Sec. 3.35 of the Revised Municipal Code, whose duty it shall be to advise the Common Council on the management and operation of the city water department, and sewerage treatment department.

- (1) Authority. The City, acting through the water, and sewerage treatment departments, may without limitation due to enumeration, acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage, and finance such facilities, operations and activities, as are deemed by the City to be proper and reasonably necessary for the departments. These facilities may include, but are not limited to: water, sewer and storm mains and laterals, all distribution and conveyance systems, plants, towers, surface and underground drainage facilities, watercourses, retaining walls, ponds, streets, roads, ditches, and other such facilities which will support the department's activities.

13.02 DIRECTOR

- (1) Appointment. The Mayor pursuant to Section 3.35 (2) of the Revised Municipal Code shall appoint a Director who shall be the general executive of the water and sewerage treatment department.

- (2) Duties. The Director shall have general supervision of the water and sewerage treatment departments under the direction of the advisory board of water and sewerage, commissioners and the Common Council and shall have supervision and control over the buildings, grounds, and all matters connected therewith and shall enforce all ordinances, rules, and regulations of the Common Council or of the board of water, and sewerage, commissioners and determine that the conditions of all contracts relating to the said departments are faithfully complied with and that all charges for the use of the water, sewerage service are duly made and collected. The Director shall be the appointing authority for the purpose of making appointments of employees in the departments, subject to the approval of the advisory board of water, and sewerage commissioners and the Common Council.

- (3) In Charge of New Construction and Installations. The Director shall supervise and superintend the installation of all new machinery, the construction of all new wells and reservoirs, and in general have charge of all improvements of the water, sewage, and stormwater distribution/conveyance systems and plants, including the laying of all mains, and service connections as well as of any repairs or reconstruction of the same or any part thereof. All work of this nature which shall have been let by contract shall be under the Director's direct supervision and if the Common Council shall direct any such work to be done by the City without the intervention of a contract, the Director shall have general supervision of such work and shall, subject to such regulation as the Common Council may adopt, have authority to purchase the material therefore and to employ the necessary help and labor for such work.

- (4) Maps and Records to be Kept. The Director shall supervise the creation and maintenance of maps showing the locations of all the mains, service pipes, and other infrastructure of the departments with reference to property lines, right-of-way lines and street names.

(5) Other Records to be kept. The Director shall keep a record of all accounts and claims for or against the said departments and all meters and the location thereof and shall perform such other duties as the advisory board of water, sewage, and storm water commissioners or the common council may prescribe.

13.03 ACCESS TO PREMISES. The Director and persons under his/her direction shall have free access to all premises supplied with city water at any reasonable hour for the purpose of inspecting and examining the water service appliances.

13.04 SERVICE CONNECTIONS

(1) Service connections and other attachments to any of the City utilities shall be made in conformity to the rules and regulations of the board of water, and sewerage commissioners.

(2) 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 located or may in the future be located a public water main of the city, is hereby required at the owner's expense to be connected to the public water supply by means of individual connections or private mains.

(3) The applicant of the building water service permit shall notify the plumbing inspector when the building water service is ready for inspection. The water service may be turned on for testing internal piping and appurtenances. Upon completion of testing, the water service shall be turned off until a water meter has been installed by the water department.

(4) The applicant of the building water service may obtain a temporary meter for construction purposes. A request must be made to the plumbing inspector and be authorized by the inspector. The applicant shall be responsible for any damage to or loss of the water meter. The temporary meter must be surrendered to the water department upon completion of construction.

(5) The applicant of the water service shall provide an opening for a water meter according to dimensions provided by the water department. The meter shall be located in a horizontal position not more than 18 inches from where the water connection or main enters the premise. A water meter shall be installed after the plumbing inspector has authorized the Director to do so.

(6) Water service may be disconnected upon discovery of a service ahead of the building control valve in front of the inlet side of the water meter.

(7) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, remove, or tamper with any structure, appurtenance, or equipment which is part of the waterworks, including turning on or off of the water connection. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

13.05 LAYING OF MAINS AND SERVICE PIPES WHEN STREETS ARE PAVED.

Whenever the common council shall determine to pave or repave any street or portion thereof in which water, sanitary sewer, or storm sewer mains, service pipes, or other infrastructure have not been laid or constructed, it shall be the duty of the city clerk to notify the Director in writing of such determination and the Director shall proceed to lay or construct the necessary infrastructure before the improvement of said street.

13.06 INSTALLATION EXPENSES.

- (1) Water – The initial expense of laying service laterals from the main to the service manhole including the connection to the main shall be charged to and is made a lien upon the real estate to be served by such service pipes. Such service pipes shall be maintained and kept in repair under the supervision and direction of the water and sewerage commissioners. After installation, the water lateral shall become property of the water utility and maintained by the water utility at the expense of the utility. Such service pipes shall be laid and connections made for the actual cost thereof for all service lines above 2 inches in diameter. For service lines that are 2 inch in size, the standard service rate as calculated by the Public Service Commission shall be paid plus the cost of restoration. If said expenses shall not be paid within 30 days from the time of billing, a 1% per month late payment charge will be added to the bill. If said expense, including late charge, shall not be paid by November 1st, the same shall be levied, plus a 10% penalty and collected as a special tax upon the real estate so to be served.

Sanitary – The expense of laying service laterals from the main to the property line shall be charged to and is made a lien upon the real estate to be served by such service pipes. Such service pipes shall be maintained and kept in repair under the supervision and direction of the water and sewerage commissioners. After installation, the sanitary lateral shall remain the property of the real estate owner to be served by such sanitary lateral and shall be maintained by the real estate owner at the expense of the real estate owner. Such service pipes shall be laid and connections made for the actual cost thereof. If said expenses shall not be paid within 30 days from the time of billing, a 1% per month late payment charge will be added to the bill. If said expense, including late charge, shall not be paid by November 1st, the same shall be levied, plus a 10% penalty and collected as a special tax upon the real estate so to be served.

- (2) Storm - The expense of laying service laterals from the main to the property line shall be charged to and is made a lien upon the real estate to be served by such service pipes. Such service pipes shall be maintained and kept in repair under the supervision and direction of the water and sewerage commissioners. After installation, the storm lateral shall remain the property of the real estate owner to be served by such storm lateral and shall be maintained by the real estate owner at the expense of the real estate owner. Such service pipes shall be laid and connections made for the actual cost thereof. If said expenses shall not be paid within 30 days from the time of billing, a 1% per month late payment charge will be added to the bill. If said expense, including late charge, shall not be paid by November 1st, the same shall be levied, plus a 10% penalty and collected as a special tax upon the real estate so to be served.

13.07 DAMAGE CLAIMS. No claims shall be allowed against the city on account of the interruption of the water supply caused by the breaking of pipes or machinery or by the stoppage for repairs or by stoppage or recession of flow or on account of fire or other emergency, nor shall any claims be allowed for any damages caused by the breaking of any pipe or machinery.

13.08 OPENING OF FIRE HYDRANTS.

(1) No unauthorized person shall open, obstruct, or interfere with any fire hydrant except Stevens Point Water Dept. personnel for operational purposes; Fire Dept. personnel for purposes of fire suppression, related emergencies or training.

(2) The use of any fire hydrant for bulk water use will only be allowed with prior authorization from the Director of the Stevens Point Water Dept. All bulk water used by contractors, customers, and any other city or county departments, shall be available from a fill station at the Stevens Point Water Dept. service garage.

13.09 WATER SERVICE LIMITS.

(1) Reason for Extended Service. In order to provide adequate fire protection for persons and property within the corporate limits of the City of Stevens Point and to insure protecting the public health and safety of the residents of the city without placing an undue financial burden upon city taxpayers and to effectively coordinate water department operations with other municipal public works activities, and for the purpose of conserving the available water supply, it is hereby determined that it is necessary to specifically limit the territory beyond the corporate limits of the city to which the municipal water utility holds itself out to serve.

(2) Area to be Served. Based upon a survey of the outside area now served, the City of Stevens Point herewith acts pursuant to section 66.0813(1) of the Wisconsin Statutes to restrict its holding out to provide water service beyond the corporate limits to the territory specifically set forth as follows:

(a) Hull

3313 E. Maria Drive	3319 E. Maria Drive
3508 E. Maria Drive	3601 E. Maria Drive
4611 E. Maria Drive	1825 Country Club Drive
1628 Country Club Drive	1903 Country Club Drive

4818 Wojcik Memorial Drive (operated by the Town of Hull as a municipal fire station. Such extension of water shall be limited to such building during its occupancy as a fire station for the Town of Hull)

All dwellings and places of business existing on June 2, 1967 which lie within 175 feet from the center line of the following described streets; and all dwellings and places of business created after June 2, 1967 which lie within 125 feet from the center line of the following described streets:

Maria Drive from Hwy. 66 east to Barbara's Lane
 Green Avenue from E. Maria Drive south to city limits.

(b) Park Ridge

4 Park Ridge Drive	10 Park Ridge Drive
11 Park Ridge Drive	20 Park Ridge Drive
22 Park Ridge Drive	23 Park Ridge Drive
28 Park Ridge Drive	29 Park Ridge Drive
31 Park Ridge Drive	32 Park Ridge Drive
37 Park Ridge Drive	38 Park Ridge Drive
39 Park Ridge Drive	41 Park Ridge Drive
49 Park Ridge Drive	51 Park Ridge Drive
69 Park Ridge Drive	105 Sunrise Avenue
112 Sunrise Avenue	77 Sunset Boulevard

(c) Whiting

River Pines Community Health Center, 1800 Sherman Avenue

(d) Other.

In addition, any other users, or any other area, for which the common council has authorized or may in the future authorize service. No properties except those within the above-described area shall be rendered water or water service.

(e) Water service in the form of a fire hydrant at the corner of Hillcrest and Sunset Avenues which shall be installed for fire purposes and for no other purpose.

(3) Right of Further Limitation Reserved. The city reserves the right to further limit such area by subsequent action.

(4) Rules Governing Extended Service. The extension and the furnishing of water and water service to such area described in subsection (2), but outside the corporate limits of the city, shall be subject to the rules and ordinances governing water takers inside the city, with the following exceptions:

(a) The water rate will be the urban general service rate plus a surcharge of twenty-five percent or such other rate fixed by the Public Service Commission.

(b) Application will be made in writing by the property owner upon the regular water and sewage department application blanks and must be accompanied by the regular street opening permit fee.

(c) If the application is approved by the common council; the main will be tapped and service pipe installed. The meter will be set and the water turned on upon payment of:

1. The same water main assessment as would be paid if the lot or lots to be served were inside the city limits.

2. The cost of the service pipe and meter which were installed by the water department to serve the applicant's property.

(5) Application for Extending Service. Applications for extensions and furnishing of water and services outside the areas described in subsection (2) of this section shall be subject to the action of the common council. Where an extension to the distribution system is approved by the common council, the plans for the extension must be approved by the Director and installed at the expense of the applicant.

(6) In order to insure and protect the public health and safety of the residents of the city without placing an undue financial burden upon city taxpayers and to effectively coordinate sanitary sewer department operations with other municipal public works activities, and for the purpose of regulating the available sewer capacity, it is hereby determined that it is necessary to specifically limit the territory beyond the corporate limits of the city to which the municipal sewer service holds itself out to serve.

(7) Based upon a survey of the outside area now served, the City of Stevens Point herewith acts pursuant to section 66.0813(1) of the Wisconsin Statutes to restrict its holding out to provide service beyond the corporate limits except to the territory specifically set forth as follows:

Village of Park Ridge per agreement

(8) Future service area. At such time as any area located in Section 208 N.R. WIS. AD service area annexes into the corporate limits of the city, such area shall be eligible for service.

(9) Definition. The term "providing sewer service" includes the extension of sewer pipes or any internal plumbing which carries sewage, which ultimately connects or discharges into the city sewer system.

13.10 USE OF PUBLIC SEWERS REQUIRED

(1) It shall be 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 said city, any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the city, or in any area under jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

(3) Except as hereinafter provided it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(4) When public sewers approved by the Department of Natural Resources become available to the premises served within the territorial boundaries of the City of Stevens Point, the use of the private sewage system shall be discontinued within that period of time required by order, but not to exceed one year. The building sewer shall be disconnected from the private sewage system and be connected to the public sewer, at the property owner’s expense.

(5) Whenever the City has installed a sewer interceptor which benefits a particular property and/or a sewer service pipe adjacent thereto for which no special assessment was levied at the time of construction, the City Water and Sewer Department shall calculate the proportionate share of cost of the particular improvement which affects the property for which an application to connect to the sewer system is made. The following information pertains to the Industrial Park Expansion efforts and relates only to those customers connecting to the Industrial Park Extension Force Main within the pre-determined boundaries of this expansionary effort. Any future installations of sewer interceptors by the City benefiting a particular property and subject to a connection fee will require an amendment to this ordinance outlining the fee schedule and the area in which connection to the system will result in a connection fee.

- (1) **STARTING DATE – INDUSTRIAL PARK.** The starting date for the connection fees provided for in this section shall commence October 31, 2011 and will be paid at the time of the application.
- (2) **CALCULATION OF THE CONNECTION FEE – INDUSTRIAL PARK.** The methodology and calculation used to determine the sewer connection fees provided for herein are based on a Report on Sewer Connection Fees prepared by Baker Tilly Virchow Krause, LLP dated December, 2010.
- (3) **CONNECTION FEE – INDUSTRIAL PARK.** The table below outlines the connection fees established by year and water meter size using the equivalent service method.
- (4) **APPLICABILITY – INDUSTRIAL PARK.** This fee will be applied to all buildings connected to the Industrial Park Extension Force Main and for any alterations or improvements to an existing building where a change in meter size is requested, the owner of record shall be assessed a connection fee equal to the difference between the new meter size and the existing meter size at the time of the alteration or improvement.

Meter Size	Ratio	2011	2012	2013*	2014*	2015*
5/8"	1	\$ 33	\$ 57	\$ 91	\$ 124	\$ 158
¾"	1	33	57	91	124	158
1"	1.3	43	74	118	161	205
1 ¼"	1.7	56	97	154	211	268
1 ½"	2	66	115	181	248	316

2"	3	99	172	272	372	473
2 ½"	3.5	116	200	317	435	552
3"	4	132	229	362	497	631
4"	5	165	286	453	621	789
6"	6	198	344	543	745	947
8"	7	231	401	634	869	1,105
10"	8	264	458	724	993	1,262
12"	9	297	515	815	1,117	1,420

* Ratios based on standards developed by the Public Service Commission of Wisconsin

** Fee would increase each year in accordance with the table on Attachment 5 of the Report on Connection Fees.

13.11 SEWER USE DEFINITIONS

(1) "Ammonia nitrogen (NH₃-N)" shall mean one of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH₃ or in ionized form as NH₄. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in "standard methods" or Chapter NR 149 of the Wisconsin Administrative Code.

(2) "BOD" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C., expressed in milligrams per liter.

(3) "Building drain" shall mean 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 building sewer, beginning five feet outside the inner face of the building wall.

(4) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(5) "Cross connection" shall mean any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City of Stevens Point 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.

(6) "Debt service" shall mean costs to the sewer department for the retirement of debts incurred in the provision of sewerage system facilities including both principal and interest.

(7) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sales of meat, fish, fowl, fruits, vegetables, and condemned food.

(8) "Holding tank wastes" shall mean wastewater from facilities designated as holding tanks according to COMM 81-82 regulations.

(9) "Industrial users" shall mean any non-governmental, non-residential users of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary waste and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A - Agriculture, Forestry and Fishing

Division B - Mining

Division D - Manufacturing

Division E - Transportation, Communications, Electric, Gas and Sanitary Services

Division I - Services

(10) "Industrial wastes" shall mean wastes discharged by "industrial users".

(11) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(12) "Normal Concentration" shall mean:

- (a) 5-Day 20 degrees C., BOD of not more than 250 mg/L.
- (b) A suspended solids content of not more than 250 mg/L.

(13) "Normal Sewage" shall mean sanitary sewage or other wastes in which BOD or suspended solids concentrations do not exceed normal concentrations.

(14) "Operation and Maintenance" shall mean costs to the Sewage Treatment Department Account for the provision of labor, utilities, supplies, equipment maintenance, and other normal costs necessary for the provision of sewage service. Operation and maintenance includes replacement.

(15) "Person" shall mean any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

(16) "PH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter as determined by "standard methods".

(17) "Plumbing inspector" shall mean the plumbing inspector for the City of Stevens Point, or authorized agent or representative.

(18) "Properly ground garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

(19) "Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(20) "Quarter" shall mean any consecutive ninety days as determined by the sewage treatment utility.

(21) "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed.

(22) "Septage" shall mean wastewater from private systems which have been held more than 30 days and have a concentration of BOD greater than 600 mg/L and a concentration of suspended solids greater than 1,800 mg/L.

(23) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(24) "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground-waters are not intentionally admitted.

(25) "Sewage treatment plant" shall mean any arrangement of devices and structures used to treat sewage.

(26) "Sewage works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(27) "Sewer" shall mean a pipe or conduit for carrying sewage.

(28) "Shall" is mandatory; "may" is permissive.

(29) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period longer than fifteen minutes more than five times the average twenty-four hour concentration or flows during normal operation.

(30) "Storm sewer" shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

(31) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

(32) "User charge" shall mean a charge levied on users of the treatment works for the user's proportional share of the cost of operation, maintenance and replacement of such works.

(33) "Watercourse" shall mean a natural or artificial channel for passage of water.

(34) "WPDES Permit" shall mean the Wisconsin pollutant discharge elimination system permit issued by the department under chapter 283, Wis. Stats., for the discharge of pollutants.

13.12 BUILDING SEWERS AND CONNECTIONS

(1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the plumbing inspector.

(2) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(3) A separate and independent building sewer shall be provided for every building.

(4) Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the plumbing inspector, to meet all requirements of this ordinance.

(5) The size, slope, alignment, materials of construction of a building sewer 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 code or other applicable rules and regulations of the city.

(6) Whenever possible, the building sewer 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 an approved means and discharged to the building sewer at the owner's expense.

(7) Roof-leaders, surface drains, groundwater drains, foundation footings drains, and other clear water drains shall be connected wherever possible with a storm sewer, but they shall not be connected to a building sewer which discharges into a sanitary sewer or private sewage treatment plant. All such connections existing at the time of passage of this ordinance shall thereafter be illegal. If storm water or clear water is being discharged into a sanitary sewer, the plumbing inspector shall give the offending person 15 days notice to disconnect. Failure to disconnect after such notice shall authorize the plumbing inspector to cause disconnection and assessment of the costs of such disconnection against the property involved. The plumbing inspector may, in the alternative, institute action for violation of this subsection.

(8) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city.

(9) The applicant for the building sewer permit shall notify the plumbing inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the plumbing inspector.

(10) All excavations for building sewer 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 at the owner's expense.

(11) New connections to the collection system will be allowed only if adequate capacity exists in all downstream conveyance and treatment facilities.

13.13 PROHIBITED DISCHARGES

(1) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers to a natural outlet approved by the plumbing inspector.

(2) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/L as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazards to structures, equipment, and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, sanitary napkins, disposable diapers, etc., either whole or ground by garbage grinders.

(e) Any effluent from any septic tank, private sanitary holding tank, or private sewer system.

(3) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Director that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capability of the sewage treatment plant, degree or treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than 150 degrees F.
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred mg/L or containing substances which may solidify or become viscous at temperatures between 32 degrees F. and 150 degrees F.
- (c) Any garbage that has not been properly ground. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the plumbing inspector.
- (d) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, cadmium, nickel, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive ultraviolet light requirement to such degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the Director for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor-producing substances in such concentrations exceeding limits which may be established by the Director as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable state or federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Any materials which exert or cause:
 - 1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

3. Unusual BOD, chemical oxygen demand, phosphorus, nitrogen, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.

4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Any waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of their agencies having jurisdiction over discharge to the receiving waters.

(k) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the department and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the department for treatment, subject to equitable payment therefore by the industrial concern.

(1) Accidental Discharges. The accidental discharge of any prohibited waste into any sewer shall be reported to the Director by the person responsible for the discharge, or by the owner or occupant of the premises where the discharge occurs, immediately upon obtaining knowledge of the fact of such discharge so that steps may be taken to minimize its effect on the treatment plant.

(m) Protection from Damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

13.14 REJECTION OF WASTES. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 13.13 and which, in the judgment of the Director may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

(1) Reject the wastes.

(2) Require pre-treatment to an acceptable condition for discharge to the public sewers.

(3) Require 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 sewage service charges under the provisions of this chapter.

13.15 PRE-TREATMENT OF WASTES

(1) If the Director permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director and subject to the requirements of all applicable codes, ordinances, and laws.

(2) Grease, oil, and sand interceptors shall be provided as required by the state plumbing code for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the plumbing inspector and shall be located as to be readily and easily accessible for cleaning and inspection.

(3) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

13.16 SAMPLING OF SEWAGE

(1) When required by the Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his/her expense and shall be maintained by the owner so as to be safe and accessible, at all times.

(2) Waste Sampling. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration. A determination shall be made as often as deemed necessary. Where samples are taken often enough to produce meaningful averages, charges will be determined based on the average values determined during the billing period after due allowances for values not believed to be representative. Any person may request the department to make new tests, such tests to be at the expense of the person discharging the waste and such tests to be of a minimum 24-hour duration unless otherwise approved. If the Director is satisfied that such test was made when the plant was operating under normal conditions, the results of these tests shall be used in computing the subsequent billing, as described in Section 13.17.

(3) Testing. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation (WEF), and shall be determined at the control manhole provided, or upon suitable samples taken as said control manhole.

(4) Entering Private Property. The Director and other duly authorized employees of the departments bearing proper credentials and identification shall be permitted to enter all private properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance.

The Director or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

The Director and other duly authorized employees of the department bearing proper credentials and identification shall also be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(5) Liability. While performing the necessary work on private properties referred to above, the Director or duly authorized employees or agents of the departments shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the department employees and the department shall indemnify the company against the loss or damage to its property by department employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

13.17 WATER AND SEWERAGE SERVICE CHARGES

(1) Water Service Charges

(a) Normal Water Service Charge. There is hereby levied and assessed upon each lot, parcel of land, building, or premises having a connection with the city water main, a water service charge based on the quantity of water used as measured by the department and upon rates established by the Wisconsin Public Service Commission. Said charges shall be assessed and collected in four quarterly periods.

(b) The water meters shall be furnished by the water department and installed under its supervision, all other costs being at the expense of the person requiring the meter.

(2) Storm Water Charges

(a) There is hereby levied and assessed upon each lot or parcel of land having improvements that are impervious to the infiltration of storm water, a storm water service charge based on the latest rates as established by the board of Water and Sewerage Commissioners and approved by the Common Council.

(b) Credit Policy – There is hereby adopted a credit policy whereby rate payers can be eligible for reduced storm water bills by meeting the requirements as set forth in the credit policy. The credit policy shall be adopted with the storm water charges as established by the board of Water and Sewerage Commissioners and approved by the Common Council.

(3) Sanitary Sewer Service Charges

(a) Schedule of Rates:

1. Minimum quarterly sewage service charge plus volume charges per 100 cu. Ft. as follows:

Current	Effective 04/01/2010
\$2.64	\$3.31

2. Minimum quarterly sewage service charges shall be based on the size water meter in service as per the following schedule:

	Current	Effective 04/01/2010
5/8"	\$ 24.00	\$ 29.50
3/4"	\$ 28.00	\$ 34.00
1"	\$ 37.00	\$ 44.00
1 1/2"	\$ 57.00	\$ 69.00
2"	\$ 82.00	\$ 99.00
3"	\$140.00	\$169.00
4"	\$223.00	\$269.00
Unmetered flat rate	\$ 90.00	\$112.25

Meter installation, maintenance and reading for Park Ridge customer - \$5.00 per year.

(b) The amount of water used by residential customers during the winter quarter of each year shall be used as a basis for determining the maximum sewage service charge for that particular quarter and the three succeeding quarters. If a customer used less water during any one of the succeeding three quarterly periods, the charge for that quarter will be reduced accordingly.

(c) The method of determining the maximum sewage service charges for residential customers outlined in paragraph (b) above shall not apply to commercial, industrial and public users. The sewage service charge for commercial, industrial and public customers shall be based on the amount of water used each individual quarter.

(d) The sewage service rates for all sewage customers located outside the corporate limits of the City of Stevens Point shall be the same as those given in the foregoing schedules, plus a surcharge of 25 percent for costs related to retirement of debt.

(e) In the event a residential sewage customer moves from one location to another, the sewage service charge at the new location shall be the same as that charged at the previous location until a winter quarter has passed at the new location.

(f) In the event a lot, parcel of land, building or premises discharging sanitary sewage, industrial wastes, water or other liquids into the city sewer system, either directly or indirectly, is not a user of water supplied by the City Water Department, the water used therein or thereon shall be measured by a meter to be furnished by the department in accordance with subsection (2) of this section, or otherwise be charged a flat rate in order to establish the sewage service charge provided in this section, as per the following schedule:

<u>06/01/2009</u>	<u>04/01/2010</u>
\$90.00	\$112.25

(g) Biennial Audit. An audit of the water and sewage treatment department's financial standing shall be made biennially. This audit will be used to review the adequacy of the then existing rates and said rates shall be adjusted if necessary to provide sufficient revenues to adequately finance the operation in accordance with the original intent of the rate structure. The biennial audit and review shall also be used to assure that each recipient of sewage service (or user class) is charged in proportion to the cost of providing said recipient (or user class) with sewage service. Excess revenues collected for operation and maintenance from a class of users shall be applied to the costs of operation and maintenance attributable to that class for the next year and the rates shall be adjusted accordingly. Users will be notified annually of the portion of service charges attributable to operation and maintenance.

(h) Replacement Fund. Annual income from wastewater service charges which constitute funds required for "replacement" shall be separately accounted for and shall not be utilized for any purposes other than replacement.

(i) Debt Retirement. Debt incurred as a part of the expansion, modification or upgrade of existing treatment facilities will be repaid out of monies collected under user charges as defined in this section.

(4) The amount of surcharge shall reflect the cost incurred by the sewage treatment department in removing BOD and suspended solids, as follows:

	<u>06/01/2009</u>	<u>04/01/2010</u>
BOD	\$0.43	\$0.52
Suspended Solids	\$0.42	\$0.43
Phosphorous	\$1.41	\$1.54

(5) Industrial Waste Pre-Treatment. Where it is necessary that the department provide pre-treatment of industrial wastes, the entire cost of such pre-treatment shall be charged to the person producing the industrial wastes. The costs shall include but not be limited to capital expenditures, operation and maintenance expenses, labor, chemicals, heat, and power.

(6) Where industrial wastes are of such a strength or magnitude or are delivered over such a period of time that the above surcharges do not reflect the actual cost of treatment to the sewer department, the department reserves the right to establish a special charge for handling the waste. That portion of the charge related to capital investment shall be based on the design capacity required for the particular waste. In no event shall the charges be less than those charges determined by applying the above surcharge.

(7) Service Area. Nothing in this ordinance shall prohibit the city from providing sewage services to persons outside the corporate limits of the city under mutually agreeable conditions.

(8) User Charge System Methodology. Service charges collected shall be sufficient to pay all expenses of the sewer utility including operation and maintenance, replacement and debt retirement. Service charges include applicable customer charges, volume charges and surcharges. Costs shall be distributed proportionally among user classes (residential, commercial, public, and industrial), on the basis of their respective impacts on sewer utility expenses. Each user will be notified annually of the rate and charge attributable to wastewater treatment services. Charges collected for replacement shall be accounted for in a segregated fund and shall be utilized solely for replacement of sewer utility equipment.

(9) Determination of Rates. Rates as determined in this section shall be reviewed biennially by the sewage utility. The revisions shall include a report with specific recommendations on the required rate modifications. Rates determined shall be consistent with the provisions contained in these ordinances. In general, the rate system shall be developed on a "cost of service" basis, recognizing both basic costs and commodity costs. Basic costs shall be collected on the basis of a quarterly meter charge, and shall include administrative, billing and collecting, local sewer maintenance, infiltration-inflow, reserve capacity and other costs not directly attributable to wastewater flow or loading.

Commodity costs shall be collected on the basis of volume charges for normal strength wastewater, with surcharges for BOD5 and TSS discharges greater than normal strength. Volume charges and surcharges shall be computed based on an allocation of costs which reflects the actual cost to the sewage utility to provide and operate and maintain wastewater treatment facilities.

13.18 EXEMPTION METERS. Said meter shall be furnished by the Water Department and installed under its supervision, all other costs shall be at the expense of the person requiring the meter, including any piping revisions required to insure that only water not reaching the sanitary sewer is metered by the exemption meter.

13.19 WASTE METERS. Devices for metering the volume of waste discharged may be required by the Director if these volumes cannot otherwise be determined by the use of water meters and exemption water meters. Metering devices for determining the volume of waste shall be purchased, installed, owned, and maintained by the person. The type of meter and metering arrangement shall be approved by the Director before installation and it shall be installed in accordance with approved methods. Following approval and installation, such meters may not be removed without the consent of the Director.

13.20 COLLECTION OF DELINQUENT CHARGES. Each year the Water and Sewage Departments shall furnish the City Clerk with a list of all lots and parcels of real estate in the City to which water and sewage treatment service has been furnished during the preceding year and the amount of charges now delinquent for same. Said charges, including a 1% per month late payment charge, plus a 10% service charge, shall be a lien on the real estate to which the water and sewage service was furnished and the Clerk shall insert the same in the tax roll as delinquent tax against the property. All proceedings in relation to the collection, return, and sale of property for delinquent city taxes shall apply to said tax.

13.21 USE OF REVENUES. Revenues in excess of these requirements may be used in any manner authorized by section 66.0811 (2) (3) of the Wisconsin Statutes.

13.22 SEPTAGE ACCEPTANCE

(1) Notwithstanding section 13.13(2)(e), pursuant to section 281.49 of the Wisconsin Statutes, the Director shall accept septage from a licensed disposer during a period of time commencing on November 15th and ending April 15th. The Director is not required to accept septage from a licensed disposer if:

(a) Treatment of the septage would cause the sewage system to exceed its operating design capacity or to violate any applicable effluent limitations or standards, water quality standards or any other legally applicable requirements, including court orders or state or federal statutes, rules, regulations or orders.

(b) The septage is not compatible with the sewage system.

(c) The licensed disposer has not applied for and received approval under sub (e) to dispose of septage in the sewage system or the licensed disposer fails to comply with the disposal plan.

(d) The licensed disposer fails to comply with septage disposal rules promulgated by the municipal sewage system.

(e) If the municipal sewage system can accept some, but not all, of the septage offered for disposal, the municipal sewage system may accept septage which is generated within the sewage service area before accepting septage which is generated outside the sewage service area.

(2) A licensed disposer shall make application to the water and sewage commission, prior to September 1st, for permission to dispose of septage in the sewer system. Thereafter, the commission shall approve applications for septage disposal or reject those applications which do not qualify, no later than October 1st of each year. The water and sewage commission is directed to establish reasonable terms and conditions for the septage disposal including:

(a) Specific quantities, locations, times, and methods for discharge of septage into the sewage system.

(b) Requirements to report the source and amounts of septage placed in the sewage system.

(c) Requirements to analyze septage characteristics.

(d) Actual and equitable disposal fees based on the volume of septage introduced into the municipal sewage systems and calculated at the rate applied to other users of the municipal sewage system, and including the costs of additional facilities or personnel necessary to accept septage at the point of introduction into the municipal sewage system.

Holding tank wastes, without specific analysis, are assumed to be 600 mg/l for BOD, 1800 mg/l for SS and 20 mg/l for Phosphorous. Septic tank wastes, without specific analysis, are assumed to be 3,500 mg/l for BOD, 7,000 mg/l for SS and 250 mg/l for Phosphorous. Current rates are as follows:

HOLDING TANK	<u>06/01/2009</u> \$11.50 per 1,000 gallons	<u>04/01/2010</u> \$6.06 per 1,000 gallons
SEPTAGE	<u>06/01/2009</u> \$84.06 per 1, 000 gallons	<u>04/01/2010</u> \$29.00 per 1, 000 gallons
TESTING AND ADMINISTRATIVE CHARGE PER MONTH	\$10.00	

(3) The water and sewage commission shall prepare a disposal plan for each licensed disposer whose application for septage disposal is approved. The disposal plan shall consist of the approved application and all terms and conditions imposed on the licensed disposer.

(4) The Director may require the licensed disposer to analyze representative samples of septage placed in the sewer system in order to determine the characteristics of the septage and the compatibility of the septage with the municipal sewer system.

(5) No person shall discharge or cause to be discharged any waste water or material from any septic tank or holding tank, into or upon any city sanitary sewer, storm sewer, drain or right-of-way or private property without first having obtained a permit from the Director of the water utility department or the department of natural resources.

13.23 CROSS-CONNECTION CONTROL

(1) Definitions.

(a) Backflow. The undesirable flow of water or mixtures of water and other liquids, gases, solids or other substances into the Stevens Point Water Department's (herein after "department") distribution pipes of the potable supply of water from any source.

(b) Backflow Preventer. A device, assembly or means designed to prevent backflow caused by backpressure or back-siphonage; most commonly categorized as air gap, reduced pressure principle backflow preventer, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, and barometric loop.

(c) Backpressure. An elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam and/or air pressure) above the Department supply pressure, which would cause or tend to cause a reversal of the normal direction of flow.

(d) Back-siphonage. The flow of water or other liquids, mixtures or substances into the distribution pipes of the Department's potable water supply system from any source caused by the sudden reduction of pressure in the Utility's potable water supply system.

(e) Cross-connection. Any physical connection, potential connection, or arrangement between two otherwise separate systems, one of which contains potable water from the Department, and the other containing 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.

(2) Cross Connections Prohibited. No cross-connection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City of Stevens Point may enter the supply or distribution system of said 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 Stevens Point Water Department and by the Wisconsin Department of Natural Resources in accordance with Section NR 810.15(2), Wisconsin Administrative Code.

(3) Inspections. It shall be the duty of the Department to cause inspections to be made of all properties serviced by the Department, and where any cross-connection with the public water system is deemed possible. The frequency of inspections and re-inspection shall be based on potential health hazards involved and shall be as established by the Stevens Point Water Department as approved by the Wisconsin Department of Natural Resources and shall be in accordance with section NR 810.15, Wisconsin Administrative Code. The Stevens Point Water Department will charge fees back to the customers based on the cost of performing the cross-connection control program as approved by the State of Wisconsin Public Service Commission.

(4) Testing Documents. A copy of the test results document for any backflow preventer shall be provided to the Department at the time of testing.

(5) Disconnection. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes.

(6) Emergency Disconnection. If it is determined by the Stevens Point Water Department 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 of the City of Stevens Point and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance.

13.24 PENALTIES

(1) Any person violating any section of this ordinance shall suffer a forfeiture not to exceed \$1,000 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. Failure to pay such forfeiture shall result in commitment to the county jail not to exceed thirty days.

(2) Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.

13.25 VALIDITY

(1) Any ordinance or parts of ordinances of the Code of General Ordinances in conflict herewith are hereby repealed.

(2) The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ORDINANCE
Recodifying the Revised Municipal Code
of the City of Stevens Point, Wisconsin
Chapter 13 Ordinance - Water & Sewerage Systems

The Common Council for the City of Stevens Point, Portage County, Wisconsin does ordain as follows:

Section 1. That Chapter 13 of the Revised Municipal Code is hereby created to read as attached.

Section 2. This ordinance shall take effect upon passage and prior promulgation pursuant to Section 66.0103(1) of the Wisconsin Statutes.

Approved: _____
Andrew J. Halverson, Mayor

Attest: _____
John V. Moe, Clerk

Dated _____

Passed _____

Published _____