

AN ORDINANCE AMENDING SECTION 20-69 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO DEFINITIONS.

(Utilities Committee – 5-17-2017)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 20-69 of Chapter 20 of the Municipal Code of the City of Appleton, relating to definitions, is hereby amended by adding or changing the following to include:

Sec. 20-69. Definitions.

Authorized representative of the user.

- (1) If the user is a corporation:
 - a. The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one (1) or more manufacturing, facilities provided the manager is authorized to make decisions which govern the operation of the facility, make major capital investment recommendations, initiate and direct comprehensive measures to assure long-term compliance with environmental laws, can ensure the necessary systems are established to gather complete and accurate information for the report and where authority to sign documents has been delegated to the manager according to the corporation's procedures.
- (2) If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.
- (3) If the user is a federal, state or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs (1) through (3) above, may designate another authorized representative if the authorization is in writing, the authorization specified the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

33-17

AN ORDINANCE AMENDING SECTION 20-83 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO LOCAL LIMITS.
(Utilities Committee – 5-17-2017)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 20-83 of Chapter 20 of the Municipal Code of the City of Appleton, relating to local limits, is hereby amended to read as follows:

Sec. 20-83. Local limits.

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following:

Arsenic, total	1.0 mg/l
Cadmium, total	0.3 mg/l
Chromium, total	7.0 mg/l
Copper, total	3.5 mg/l
Cyanide, total	0.3 mg/l
Lead, total	2.0 mg/l
Mercury, total	2.0 ug/l
	(microgram/liter)
Nickel, total	2.0 mg/l
Zinc, total	10.0 mg/l

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The Director of Utilities may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

34-17

AN ORDINANCE AMENDING SECTION 20-93 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.
(Utilities Committee – 5-17-2017)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 20-93 of Chapter 20 of the Municipal Code of the City of Appleton, relating to accidental discharge/slug control plans, is hereby amended to read as follows:

Sec. 20-93. Accidental discharge/slug control plans.

The Director of Utilities shall evaluate whether such significant industrial user needs an accidental discharge/slug control plan within one (1) year of being designated a significant industrial user. The Director of Utilities may require any user to develop, submit for approval and implement such a plan. Alternatively, the Director of Utilities may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch charges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Director of Utilities of any accidental or slug discharge, as required by §20-146 of this article; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures, or equipment measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

35-17

AN ORDINANCE AMENDING SECTION 20-146(a) OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO REPORTS OF POTENTIAL PROBLEMS.

(Utilities Committee – 5-17-2017)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 20-146(a) of Chapter 20 of the Municipal Code of the City of Appleton, relating to reports of potential problems, is hereby amended to read as follows:

Sec. 20-146. Reports of potential problems.

(a) Users will notify the Director of Utilities immediately of any changes at its facility affecting the potential for a slug discharge or in the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomarily batch discharge or slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Director of Utilities of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

36-17

AN ORDINANCE AMENDING SECTION 20-148 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.

(Utilities Committee – 5-17-2017)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 20-148 of Chapter 20 of the Municipal Code of the City of Appleton, relating to notice of violation/repeat sampling and reporting, is hereby amended to read as follows:

Sec. 20-148. Notice of violation/repeat sampling and reporting.

If sampling performed by a user indicates a violation, the user must notify the Director of Utilities within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director of Utilities within thirty (30) days after becoming aware of the violation. The user is not required to re-sample if the Director of Utilities monitors at the user's facility at least once a month, or if the Director of Utilities samples between the user's initial sampling and when the user receives the results of this sampling. Where the City has performed the original sampling and analysis in lieu of the industrial user, as allowed in NR 211.15(9), Wis. Adm. Code, the City shall perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

37-17

AN ORDINANCE AMENDING SECTION 20-151(a) OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO SAMPLE COLLECTION.

(Utilities Committee – 5-17-2017)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 20-151(a) of Chapter 20 of the Municipal Code of the City of Appleton, relating to sample collection, is hereby amended to read as follows:

Sec. 20-151. Sample collection.

(a) Except as indicated in paragraph (b) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event low proportional sampling is infeasible, the Director of Utilities may authorize the use of time proportional sampling or grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

38-17

AN ORDINANCE AMENDING SECTION 20-171 OF CHAPTER 20 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO [PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE] GENERALLY.

(Utilities Committee – 5-17-2017)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 20-171 of Chapter 20 of the Municipal Code of the City of Appleton, relating to [publication of users in significant noncompliance] generally, is hereby amended to read as follows:

Sec. 20-171. Generally.

The Director of Utilities shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. A significant industrial user has been in significant non-compliance if any of the following apply; and, a non-significant industrial has been in significant non-compliance if (3), (4), or (8) apply:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six- (6-) month period exceed the daily maximum limit for the same pollutant parameter by any amount;
- (2) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria

(1.4) for BOD, TSS, fats, oils and grease, and (1.2) for all other pollutants except pH.

- (3) Any other discharge violation that the Director of Utilities believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.
- (4) Any discharge of pollutants that has imminent endangerment to the public or the environment, or has resulted in the Director of Utilities' exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring report, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s) which the Director of Utilities determines will adversely affect the operation or implementation of the local pretreatment program.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

39-17

AN ORDINANCE AMENDING SECTION 3-52(b) OF CHAPTER 3 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO RESTRICTED SPECIES.

(Board of Health – 5-17-2017)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 3-52(b) of Chapter 3 of the Municipal Code of the City of Appleton, relating to restricted species, is hereby amended to read as follows:

Sec. 3-52. Restricted species.

(b) Upon obtaining a permit issued by the Health Department, up to five (5) honeybee hives may be maintained by a permit holder within areas zoned P-I, Public Institutional District and on building rooftops within the Central Business District (CBD); or, a permit holder may maintain three (3) honeybee

hives per acre up to a maximum of twenty-five (25) hives within an area approved as an urban farm.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.

40-17

AN ORDINANCE AMENDING SECTION 13-5(n) OF CHAPTER 13 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO PROHIBITED ITEMS AND USES.

(Parks and Recreation Committee – 5-17-2017)

The Common Council of the City of Appleton does ordain as follows:

Section 1: That Section 13-5(n) of Chapter 13 of the Municipal Code of the City of Appleton, relating to prohibited items and uses, is hereby amended to read as follows:

Sec. 13-5. Prohibited items and uses.

In addition to otherwise illegal activities, the following shall be prohibited within the boundaries of any park and Special Use Area:

(n) Dogs, unless the dog is on a sidewalk, trail or road and is restrained by a chain, rope or other type of leash no more than eight (8) feet in length and an individual competent to govern and physically control and restrain the dog is in physical control of the leash at all times. The dog shall display tags verifying it is currently licensed and vaccinated against rabies. Any waste left by the dog shall be immediately removed for sanitary disposal by the individual in control of the animal.

- (1) A violation of this subsection or violation of any other provision of this Code regarding the keeping, maintaining, controlling and the like of an animal occurring within a city park may be subject to a forfeiture that is twice the otherwise scheduled amount.
- (2) Dogs at Special Events. Dogs shall be prohibited during special events in parks, including sidewalks, trails and roads, unless preapproved by the event organizer and the City.

Section 2: This ordinance shall be in full force and effect from and after its passage and publication.