

CHAPTER 13

**MUNICIPAL UTILITIES**

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**13.01 WATER UTILITY.**

- (1) **MANAGEMENT OF WATER SYSTEM.** The Village Board through the Sewer and Water Committee shall manage the Water Utility and shall have all of the powers of a utility commission under §66.068, Wis. Stats. The Village Clerk shall keep all records, minutes and written proceedings of the Village Board and the Sewer and Water Committee in connection with the Village water works system, while the Village Treasurer shall keep on file the financial records thereof.
- (2) **POWERS OF THE VILLAGE BOARD.** The Village water system shall consist of a deep well, storage tank, distribution facilities, including fire hydrants, fountains and other facilities required in connection therewith. The Village, acting through the Village Board, may lay water mains through the alleys, streets and public grounds of the Village and construct and install power lines and acquire and install required facilities and do all such work as may be necessary or convenient in the management of the water system. The Board, or its agents or representatives, may enter upon any land to make examination or supervise in the performance of their duties under this section without liability, therefore. The Board may also purchase and acquire for the Village all real and personal property and easements which may be necessary for the construction of the water system or for any repair, remodeling or additions thereto.
- (3) **CONDEMNATION OF REAL ESTATE.** Whenever the Village Board determines any real estate or any easements therein or use thereof, to be necessary for the operation of the water system and, whenever, for any cause, an agreement for the purchase thereof cannot be made with the owner thereof, the Board shall proceed with all necessary steps to take such real estate or real estate easement or use by condemnation in accordance with State law.
- (4) **TITLE TO REAL ESTATE AND PERSONALITY.** All property, real, personal and mixed, acquired for the construction of the water system and all plans, specifications, diagrams, papers, books and records connected therewith and all buildings, machinery and fixtures pertaining thereto shall be the property of the Village.
- (5) **CONSUMERS RULES AND REGULATIONS.** All the rules, regulations and water rates of the Village water system provided hereunder shall be considered a part of the contract with every person who is supplied with water through the water system. Every such person, by taking water or connecting with the Village water system, shall be expressing his assent and be bound thereby. Whenever any of such rules and regulations or such conditions as

the Village Board may hereafter adopt be violated, the water shall be shut off from the building or place of such violation (even

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through 2 or more parties are receiving water through the same pipe) and shall not be let on again except by order of the Board and on payment of all arrears, expenses and established charges of shutting off and putting on, and such terms as the Board may determine. In case of such violation, the Board may declare any payment made for the water by the party or parties committing such violation to be forfeited and the same shall thereupon be forfeited. The Board may change such rules, regulations and water rates from time to time as it deems advisable and make special rates and contracts in all proper cases, subject to the Wisconsin Public Service Commission.

**13.02 WATER UTILITY OPERATING RULES.**

1. Compliance with Rules

All persons now receiving water services from this water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

2. Establishment of Service

- a. Application for water service may be made in writing on a form furnished by the water utility. The application will contain legal description of the property to be served, the name of the owner, the exact use to be made of the service, and the size of the service lateral and meter desired. Note particularly any special refrigeration, fire protection, or water-consuming air-conditioning equipment.
- b. Service will be furnished only if (1) the premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the water utility's filed main extension rule, (2) the property owner has installed or agrees to install a service lateral from the curb stop to the point of use that is not less than 6 feet below the surface of an establishment or proposed grade and meets the water utility's specifications, and (3) the premises have adequate piping beyond the metering point.
- c. The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be treated as a separate water utility account for the purpose of the filed rules and regulations.
- d. No division of the water service lateral to any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoin lot or parcel of land. Except for duplexes, no division of a water service lateral shall be made at the curb for separate supplies for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties. Duplexes may be served by one lateral provided (1) individual metered services and disconnection is provided and (2) it is permitted by the local ordinance.

- e. Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.

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- f. The water utility may withhold approval of any application where full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

### 3. Reconnection of Service

- a. Where water utility has disconnected service at the customer's request, a reconnection charge shall be made when the customer requests reconnection of service. See schedule R-1 for the applicable rate.
- b. A reconnection shall also be required from customers whose services are disconnected (shut off at curb stop box) because of nonpayment of bills when due. See Schedule R-1 for the applicable rate.
- c. If reconnection is requested for the same location by any member of the same household, or if a place of business, by any partner of the same business, it shall be considered as the same customer.

### 4. Temporary Metered Service, Meter, & Deposits

An applicant for temporary water service on a metered basis shall make and maintain a monetary deposit for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter. See schedule BW-1 for the applicable rate.

### 5. Water for Construction

- a. When water is requested for construction purposes or for filling tanks or other such uses, an application shall be made to the water utility, in writing, giving a statement of the amount of construction work to be done or the size of the tank to be filled, etc. Payment for the water for construction may be required in advance at the scheduled rates. The service lateral must be installed into the building before water can be used. No connection with the service later at the curb shall be made without special permission from the water utility. In no case will any employee of the water utility turn on water for construction work unless the contractor has obtained permission from the water utility.
- b. Customers shall not allow contractors, masons, or other persons to take unmetered water from their premises without permission from the water utility. Any customer failing to comply with this provision may have water service discontinued and will be responsible for the cost of the estimated volume of water used.



6. Use of Hydrants

- a. In cases where no other supply is available, permission may be granted by the water utility to use a hydrant. No hydrant shall be used until the proper meter and valve are installed. In no case shall any valve be installed or moved except by an employee of the water utility.
- b. Before a valve is set, payment must be made for its setting and for the meter to be used at the scheduled rate. Where applicable, see Schedule BW-1 for deposits and charges. Upon completing the use of the hydrant, the customer must notify the water utility to that effect.

7. Operation of Valves and Hydrants and Unauthorized Use of Water – Penalty

Any person who shall, without authority of the water utility, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same, shall be subject to a fine as provided by municipal ordinance. Utility permission for the use of hydrants applies only to such hydrants that are designated for the specific use.

8. Refunds of Monetary Deposits

All money deposited as security for payment of charges arising from the use of temporary water service on a metered basis, or for the return of a hydrant valve and fixtures if the water is used on an unmetered basis, will be refunded to the depositor on a termination of the use of the water, the payment of all charges levied against the depositor, and the return of the water utility's equipment.

9. Service Lateral

- a. No water service lateral shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service lateral, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the water utility. Service laterals passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing not less than twice the diameter of the service connection. The space between the service lateral and the channel or pipe casing shall be filled and lightly caulked with an oakum,

mastic cement, or other resilient material and made impervious to moisture.

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- b. In backfilling the pipe trench, the service lateral must be protected against injury by carefully hand tamping the ground filling around the pipe. There should be at least 6 inches of ground filling over the pipe, and it should be free from hard lumps, rocks, stones, or other injurious material.
- c. All water service laterals shall be of undiminished size from the street main into the point of meter placement, Beyond the meter outlet valve, the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of the water supply for the greatest probable number of fixtures or appliances operating simultaneously.

### 10. Replacement and Repair of Service Laterals

- a. The service lateral from the main to and through the curb stop will be maintained and kept in repair and, when worn out, replaced at the expense of the water utility. The property owner shall maintain the service lateral from the curb stop to the point of use.
- b. If an owner fails to repair a leaking or broken service lateral from the curb stop to the point of metering or use within such time as may appear reasonable to the water utility after notification has been served on the owners by the water utility, the water will be shut off and will not be turned on again until the repairs have been completed.

### 11. Abandonment of Service

If a property owner changes the use of a property currently receiving water service such that water service will no longer be needed in the future, the water utility may require the abandonment of the water service at the water main. In such case, the property owner may be responsible for all removal and/or repair costs, including the water main and the utility portion of the water service lateral.

### 12. Charges for Water Wasted Due to Leaks

See Wis. Admin, Code § PSC 185.35

### 13. Thawing Frozen Service Laterals

See Wis. Admin, Code § PSC 185.88

14. Curb Stop Boxes

The curb stop box is the property of the water utility. The water utility is responsible for its repair and maintenance. This includes maintain, through adjustment, the curb stop at an appropriate grade level where no direct action by the property owner or occupant has contributed to an elevation problem. The property owner is responsible for protecting the curb stop box from situations that could obstruct access to it or unduly expose it to harm. The water utility shall not be liable for failure to locate the curb stop box and shut off water in case of a leak in the owner's premises.

15. Installation of Meters

Meters will be owned, furnished, and installed by the water utility or a utility-approved contractor and are not to be disconnected or tampered with by the customer. All meters shall be so located that they shall be protected from obstructions and permit ready access for reading, inspection, and servicing, such location to be designated or approved by the water utility. All piping within the building must be supplied by the owner. Where additional meters are desired by the owner, the owner shall pay for all piping.

16. Repairs to Meters

- c. Meters will be repaired by the water utility, and the cost of such repairs caused by ordinary wear and tear will be borne by the water utility.
- d. Repair of any damage to a meter resulting from the carelessness of the owner of the premises, owner's agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be damaged from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.

17. Service Piping for Meter Settings

Where the original service piping is installed for a new metered customer, where existing service piping is changed for the customer's convenience, or where a new meter is installed for an existing unmetered customer, the owner of the premises at his/her expense shall provide a suitable location and the proper connections for the meter. The meter setting and associated plumbing shall comply with the water utility's standards. The water utility should be consulted as to the type and size of the meter setting.

18. Turning on Water

The water may only be turned on for a customer by an authorized employee of the water utility. Plumbers may turn water on to test their work, but upon completion must leave the water turned off.

19. Sprinkling Restrictions and Emergency Water Conditions

- a. Where the municipality has a policy regarding sprinkling restrictions and/or emergency water conditions, failure to comply with such result in disconnection of service.
- b. See Wis. Admin, Code § PSC 185.37

20. Failure to Read Meters

- a. Where the water utility is unable to read a meter, the fact will be plainly indicated on the bill, and either an estimated bill will be computed or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled, and credit will be given on that bill for the amount of the bill paid the preceding period. Only in unusual cases shall more than three consecutive estimated or minimum bills be rendered.
- b. If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year, unless there is some reason why the use is not normal. If the average use cannot be properly determined, the bill will be estimated by some equitable method.
- c. See Wis. Admin, Code § PSC 185.77

21. Compliant Meter Tests

See Wis. Admin, Code § PSC 185.77

22. Inspection of Premises

- a. During reasonable hours, any officer or authorized employee of the water utility shall have the right of access to the premises supplied with service for the purpose of inspection or for the enforcement of the water utility's rules and regulations. Whenever appropriate, the water utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.
- b. See Wis. Stat. § PSC 196.171

23. Vacation of Premises

When premises are to be vacated, the water utility shall be notified, in writing, at once, so that it may remove the meter and shut off the water supply at the curb stop. The owner of the premises shall be liable for prosecution for any damage to the water utility's property. See "Abandonment of Service" In Schedule X-1 for further information.

24. Deposits for Residential Service

See Wis. Admin, Code § PSC 185.36

25. Deposits for Nonresidential Service

See Wis. Admin, Code § PSC 185.361

26. Deferred Payment Agreement

See Wis. Admin, Code § PSC 185.38

27. Dispute Process

See Wis. Admin, Code § PSC 185.39

28. Disconnection and Refusal of Service

See Wis. Admin, Code § PSC 185.37

29. Collection of Overdue Bills

An amount owed by the customer may be levied as a tax as provided in Wis. Stat. § PSC 66.0809

30. Surreptitious Use of Water

a. When the water utility has reasonable evidence that a person is obtaining water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the water utility service being delivered, the water utility reserves the right to estimate and present immediately a bill for unmetered service as a result of such interference, and such bill shall be payable subject to 24-hour of service. If water utility disconnects the service for any such reason, the water utility will reconnect the service upon the following conditions;

1. The customer will be required to deposit with the water utility an amount sufficient to guarantee the payment of the bill for water utility service.
2. The customer will be required to pay the water utility for any and all damages to water utility equipment resulting from such interference with the metering.





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3. The customer must further agree to comply with reasonable requirements to protect the water utility against further losses.

b. See Wis. Stat. §§98.26 & 943.20

### 31. Repairs to Mains

a. The water utility reserves the right to shut off the water supply in the mains temporarily to make repairs, alterations, or additions to the plant or system. When the circumstances will permit, the water utility will give notification, by newspaper publications or otherwise, of the discontinuance of the water supply. No credit will be allowed to customers for such temporary suspension of the water supply.

b. See Wis. Admin. Code § PSC 185.57

### 32. Handling Water Mains and Service Laterals in Excavation Trenches

Contractors must call Digger's Hotline and ensure a location is done to establish the existence and location of all water mains and service laterals as provided in Wis. Stat. § 182.0175. Where water mains or service laterals have been removed, cut or damaged during trench excavation, the contractors must, at their own expense, cause them to be replaced or repaired at once. Contractors must not shut off the water service lateral to any customers for a period exceeding 6 hours.

### 33. Protective Devices

a. Protective Device in General: The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the water supply and all appliances against damage arising in any manner from the use of water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high and/or low-pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through piping of their own or adjacent premises.

b. Relief Valves: ON all "closed systems" (i.e., systems having a check valve, pressure regulator, reducing valve, water filter, or softener), an effective pressure relief valve shall be installed at or near the top of the hot water tank or at the hot water distribution pipe connection to the tank.

No stop valve shall be placed between the hot water tank and the relief valve or on the drainpipe. See applicable plumbing codes.

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- c. Air Chambers: An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with local plumbing codes. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

### 34. Cross-Connections

- a. Every person owning or occupying a premise receiving municipal water supply shall maintain such municipal water supply free from any connection, either of a direct or indirect nature, with a water supply from a foreign source or of any manner of connection with any fixture or appliance whereby water from a foreign supply or the waste from any fixture, appliance, or waste or soil pipe may flow or be siphoned or pumped into the piping of the municipal water system.
- b. See Wis. Admin. Code § NR 811.06

### 35. Water Main Extension Rule

Water mains will be extended for new customers on the following basis:

- a. Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth Wis. Stat. § 66.0703 will apply, and no additional customer contribution to the utility will be required.
- b. Where the municipality is unwilling or unable to make special assessment, the extension will be made on a customer-financed basis as follows:
  - 1. The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under paragraph a.
  - 2. Part of the contribution required in paragraph b.1 will be refundable. When additional customers are connected to the extended main within 10 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under paragraph A. for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required

under paragraph A., nor will it exceed the total assessable cost of the original extension.

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- c. When a customer connects to a transmission main or connecting loop installed at utility expense within 10 years of the date of the completion, there will be a contribution required of an amount equivalent to that which would have been assessed under paragraph a.

### 36. Water Main Installations in Platted Subdivisions

- a. Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the utility.
- b. If the developer, or a contractor employed by the developer, is to install the water mains (with approval of the utility) the developer shall be responsible for the total cost of construction.
- c. If the utility or its contractor is to install the water mains, the developer shall be required to advance to the utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs, exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within 30 days. If final costs are less than estimated, a refund of the overpayment will be made by the water utility.

**13.03 WATER SERVICE RATES**

The following water rates and regulations by the Public Service Commission by order dated September 30, 2015, are hereby adopted by the Village and incorporated into this chapter as a part hereof.

1. Public Fire Protection Service
  - a. Public fire protection service includes the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.
  - b. The annual charge for public fire protection service to the Village of Dousman shall be \$121,941.00. The utility bill for this amount in equal quarterly installments.
  - c. Billing: Same as section 3
2. Private Fire Protection Service – Unmetered
  - a. This service shall consist of permanent or continuous unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes, and private hydrants. This service shall also include reasonable quantities of water used for testing check valves and other backflow prevention devices.
  - b. Quarterly Private Fire Protection Service Demand Charges:

2 - Inch or smaller connection	\$22.50
3 - inch connection	\$42.00
4 - inch connection	\$69.00
6 - inch connection	\$141.00
8 - inch connection	\$225.00
10 - inch connection	\$337.50
12 - inch connection	\$450.00
14 - inch connection	\$562.50
16 - inch connection	\$675.00
  - c. Billing: Same as Section 3

3. General Service - Metered

a. Quarterly Service Charges

5/8 inch meter	\$24.00	3 inch meter	\$90.00
3/4 inch meter	\$24.00	4 inch meter	\$129.00
1 inch meter	\$33.00	6 inch meter	\$255.00
1 ¼ inch meter	\$42.00	8 inch meter	\$405.00
1 ½ inch meter	\$51.00	10 inch meter	\$600.00
2 inch meter	\$66.00	12 inch meter	\$807.00

Plus volume Charges

First 35,000 gallons used quarterly - \$2.75 per 1,000 gallons  
 Next 165,000 gallons used quarterly - \$2.50 per 1,000 gallons  
 Over 200,000 gallons used quarterly - \$2.20 per 1,000 gallons

b. Billing: Bills for water service are rendered quarterly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of 3% but not less than .50 cents will be added to bills not paid within 20 days of issuance. This ONE-TIME 3% late payment charge will be applied only to any unpaid balance for the current billing period's usage. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next 10 days, service may be disconnected pursuant to Wis. Admin, Code ch. PSC 185.

c. Combined Metering: For a residential customer with more than one meter on a single service lateral, volumetric reading from all meters shall be combined for billing. For a nonresidential customer, volumetric readings may be combined for billing if the utility for its own convenience places more than one meter on a single water service lateral. Multiple meters places for the purpose of identifying water not discharged into the sanitary sewer are not considered for utility convenience and may not be combined for billing. This requirement does not preclude the utility from combining readings where metering configurations support such an approach. Volumetric readings from individually metered separate service laterals may not be combined for the billing purposes.

4. General Service – Suburban



- a. Water customers residing outside the corporate limits of the Village of Dousman shall be billed at the regular rates for service (Section 3) plus a 25% surcharge.

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- b. Billing: Same as Section 3
- 5. Other Charges
  - a. Payment Not Honored by Financial Institution Charge: The utility shall assess a \$15.00 charge when a payment rendered for utility service is not honored by the customer's financial institution. This charge may be in addition to, but may be inclusive of, other such charges when the payment was for multiple services.
  - b. Billing: Same as Section 3
- 6. Public Service
  - a. Metered Service. Water used by the Village of Dousman on an intermittent basis for flushing sewers, street washing, flooding skating rinks, drinking fountains, etc. shall be metered and billed according to the rates set forth in Section 3.
  - b. Unmetered Service. Where it is impossible to meter the service, the utility shall estimate the volume of water used based on the pressure, size of the opening, and the period of time the water is used. The estimated quantity shall be billed at the volumetric rates set forth in Section 3, excluding any service charges.
  - c. Billing: Same as Section 3
- 7. General Water Service - Unmetered
  - a. Service may be supplied temporarily on an unmetered basis where the utility cannot immediately install a water meter, including water used for construction. Unmetered service shall be billed the amount that would be charged to a metered residential customer using 13,000 gallons of water per quarter under Section 3, including the service charge for a 5/5 meter. If the utility determines that actual usage exceeds 13,000 gallons of water per quarter, an additional charge for the estimated excess usage shall be made according to the rates under Section 3.
  - b. This schedule applies only to customers with a 1-inch or smaller service connection. For customers with a larger service connection, the utility shall install a temporary meter and charges shall be based on the rates set forth under Section 3.
  - c. Billing: Same as Section 3.

8. Seasonal Service

- a. Seasonal customers are general service customers who voluntarily request disconnection of water service and who resume service at the same location within 12 months of the disconnection, unless service has been provided to another customer at the location in the intervening period. The utility shall bill seasonal customers the applicable service charges under Section 3 year-round, including the period of temporary disconnection.
- b. Seasonal service shall include customers taking service under Section 3.
- c. Upon reconnection, the utility shall apply a charge under Section 10 and require payment of any unpaid charges under the schedule.
- d. Billing: Same as Section 3, unless the utility and customer agree to an alternative payment schedule for the period of voluntary disconnection.

9. Bulk Water

- a. All bulk water supplied from the water system through hydrants or other connections shall be metered or estimated by the utility. Utility personnel or a party approved by the utility shall supervise the delivery of water.
- b. Bulk water sales are:
  1. Water supplied by tank trucks or from hydrants for the purpose of extinguishing fires outside the utility's service area:
  2. Water supplied by tank trucks or from hydrants for purposes other than extinguishing fires, such as water used for irrigation or filling swimming pools; or
  3. Water supplied from hydrants or other temporary connections for general service type applications, except that Section 7 applies for water supplied for construction purposes.
- c. A service charge of \$30.00 and a charge for the volume of water used shall be billed to the party using the water. The volumetric charge shall be calculated using the highest volumetric rate for residential customers under Section 3. In addition, for meters that are assigned to bulk water

customers for more than 7 days, the applicable service charge in Section 3 will apply after the first 7 days.

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- d. The water utility may require a reasonable deposit for the temporary use of its equipment under this and other rate schedules. The deposit(s) collected shall be refunded upon return of the utility's equipment. Damaged or lost equipment shall be repaired or replaced at the customer's expense.
- e. Billing: Same as Section 3

10. Reconnection Charges

- a. The utility shall assess a charge to reconnect a customer, which includes reinstalling a meter and turning on the valve at the curb stop, if necessary. A utility may not assess a charge for disconnection a customer.

During normal business hours \$30.00  
After normal business hours: \$40.00

- b. Billing: Same as Section 3

11. Water Lateral Installation Charge

- a. The utility shall charge a customer for the actual cost of installing a water service lateral from the main through curb stop and box if these costs are not contributed as part of a subdivision or otherwise recovered under Wis. Stats. Chapter 66.

- b. Billing: Same as Section 3

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**13.04 ADDITIONAL WATER UTILITY RULES AND REGULATIONS.**

- (1) DELINQUENT BILLS. (Rep. & recr. #141) Pursuant to §66.069(1)(b), Wis. Stats., on October 15 of each year, notice shall be given to the owner or occupant of all lots or parcels of real estate to which service has been furnished prior to October 1 and payment for which is owing and in arrears at the time of giving such notice. The Utility shall furnish the Village Treasurer with a list of all such lots or parcels of real estate, and the notice shall be given by the Treasurer. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of such Utility: that unless the same is paid by November 1, a penalty of 10 percent of the amount of such arrears will be added thereto: and that unless such arrears and penalty are paid by November 15, the same will be levied as a tax against the lot or parcel of real estate to which service was furnished and for which payment is delinquent as above specified. Such notice may be served by delivery to either such owner or occupant personally, or by letter addressed to such owner or occupant at the post office address of such lot or parcel of real estate. On November 16, the Treasurer issuing the notice shall certify and file with the Village Clerk a list of all lots or parcels of real estate, giving the legal description thereof and the amount of unpaid arrears and penalty. Each such delinquent amount, including such penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the service was furnished and payment for which is delinquent and the Village Clerk shall insert the same as a tax against such lot or parcel of real estate. All proceedings in relation to the collection of general taxes and to the return and sale of property for delinquent taxes shall apply to such tax if the same is not paid within the time required by law for payment of taxes upon real estate.
- (2) INTENTIONALLY OMITTED 11/16/15
- (3) MANDATORY HOOK-UP.
  - (a) Each parcel of land occupied and serviceable, or capable of being serviced, by the Village water system, shall be hooked up there to within one year after notification thereof from the Village. The owner of any parcel of land which hereafter becomes occupies and is serviceable or capable of being serviced by the Village water system shall hook up there to within one year after notification by the Village, and, in any event, before occupancy. (Am. #251)

## MUNICIPAL UTILITIES 13.04

- (b) The owner of each parcel of land required to hook up pursuant to paragraph (a) above, but which is not hooked up to the Village water system as herein required, shall pay to the Village Treasurer upon billing therefore an amount equal to 75 percent of the minimum quarterly charge for water service of the required size, as a special assessment against such parcel of land. Such assessment shall be levied for each quarter in which such parcel remains not hooked-up to the Village water system.
- (4) **MAINTENANCE OF SERVICES.** All water services within the Village from the street main to the location of the curb stop, including all controls between the same, shall be maintained by the Utility without expense to the property owner. However, when such water services are damaged as a result of negligence or carelessness on the part of the property owner, a tenant or an agent of the owner, they shall be repaired at the expenses of the property owner. All water systems from the point of maintenance by the Village water system to and throughout the premises shall be maintained free of defective conditions by and at the expense of the owner or occupant of the property. If the property owner does not repair an existing leak between curb stop and the building within 24 hours, the water will be shut off and remain off until the repair is made.
- (5) **PAYMENT OF BILLS.**
- (a) Failure to Receive Bill; No Penalty Exemption. Every reasonable care will be exercised in the proper delivery of water bills. Failure to receive a water bill shall not relieve any person for payment of water rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.
- (b) Billing. The property owner is responsible for all water bills on premises that he owns. All water bills and notices, relative to the water supply, will be addressed to the owner and delivered to the premises referred to on such bill or notice.
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- (6) **PENALTY FOR POLLUTING OR ALLOWING LEAK TO THE WATER SYSTEM OR INJURING WATERWORKS.** (Rep. & recr. #123) No person shall willfully pollute or otherwise injure any water supplied by the Village water system in any tunnel, aqueduct, reservoir, pipe or other appurtenant thing; or willfully injure the system or any building, machinery or fixture pertaining thereto; or willfully and without authority of the Village Board, impede the flow of water in any tunnel, aqueduct, pipe or other appurtenant thing belonging to the Village water system; or willfully and without authority of the Village Board, bore or otherwise cause leak, any tunnel, aqueduct, reservoir, pipe or other thing used in the water system for holding, conveying or distributing water. No person shall, knowing of a leak on his

property, fail to notify the Utility Superintendent immediately and to correct the defect causing such leak.



(7) DAMAGE RECOVERY.

- (a) The Village may recover from all persons, any expense incurred by the Village water system for the repair or replacement of any water pipe, curb cock, gate valve, hydrant or valve box damaged in any manner by any person by reason of the operation of any electrical system or the performance of any work under their control, or by any negligent act.
- (b) Owners or operators of motor vehicles are liable for the cost of repair of any hydrant damaged by them, and the Village will not be responsible for any damage or personal injuries sustained by reason of such accident.

- (8) PENALTIES. Any person who violates any of the provisions of §13.01 through 13.04 or rules or regulations of the Village Board relating to the Village water system, or who turns on the water into any premises from which the water has been shut off, or into which the water has not yet been turned on, or who connects any water main or service pipe without first having obtained a permit thereof or who violates any State law or administrative regulation or any other provisions which are incorporated by reference shall upon conviction thereof forfeit not less than \$10 nor more than \$200 and the costs of prosecution. Any person in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until payment of such forfeiture and costs, but not exceeding 90 days for each violation.

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- (9) ANNEXED/ATTACHED CHARGES. The Village of Dousman may from time to time annex or attach property to the Village of Dousman subsequent to the adoption of any reserve capacity assessment or impact fee ordinance. Before such property can attach to the Village water system, the property owner may pay to the Village of Dousman an amount equal to the then-current reserve capacity assessment and/or impact fee that may be adopted by the Village from time to time, to the same extent as though such property were subject to the special assessment resolution or impact fee ordinance directly. In addition, after such property has attached to the Village water system, any modification of the structures or uses on the property shall be subject to payment of an amount equal to the then-current reserve capacity assessment and/or impact fee ordinance, to the same extent as though such property were subject to the special assessment resolution or impact fee ordinance directly. This obligation to pay shall be a condition of annexation or attachment, which shall be acknowledged and accepted by the owner and recorder with the attachment ordinance, to memorialize this obligation and ensure that this payment is made at such time as the property connects to the Village water system. Generally, the intent of this subsection is to require owners of property that is annexed or attached to the Village to pay Village water availability charges that are equivalent to the water availability charges that are imposed upon properties currently within the Village.

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10. **NO CLAIMS FOR DAMAGES.** No person shall file a claim for damages against the Village, as a water utility, or any officer thereof, for any pipe, fixture or appurtenance by reason of interrupted water supply, or variation of pressure, or for damage caused by the turning off or on, either wholly or partially, of the water supply for the extension, alteration or repair of any water main or premises supply, or for the discontinuance of the premises water supply for the violation of any rules or regulations of the Water Department. No claims will be allowed against the Village for the interruption of the water supply caused by the breaking of pipes or other machinery, or by stoppage for repairs, because of fire or other emergency, and for any damage caused by the breakage of any pipe or machinery.
11. **TAP PERMITS.** After water connections have been introduced into any building or upon any premises, no plumber shall have any tap or connection with the pipes upon such premises, for alterations, extensions or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the Building Inspector.
12. **CONSUMER TO CONSERVE WATER.** All consumers shall keep the hydrants, taps, hose, water closets, urinals, baths or other fixtures allotted to their use, closed except when obtaining water for use. A consumer shall be responsible for any damage or injury that may result to others from the improper use of such water.
13. **CONSUMER TO KEEP REPAIR.** All consumers shall keep their own service pipes, stop cocks, and apparatus in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary waste of water and overburdening of the system. All expenses relating to the introduction of water into the building or private premises, and connection with the system, shall be paid by the applicant. No charge shall be made for the service of the Utility Superintendent in directing where and in what manner the mains shall be tapped, and excavations made in the street for laying pipe.
14. **CONSUMER USE ONLY.** No consumer shall supply water to others, require others to take it off his premises, nor allow others or other services to connect to the system.
15. **EXCAVATIONS.** See §of this Municipal Code.
16. **TAPPING THE MAINS.**
  - a. No person, except one having special permission from the Village Board or approved agents of the Board, shall tap the mains or distribution pipes, or insert stop cocks or ferrules therein. The kind and size of the connection with the mains shall conform to the specifications in the permit or order from the Board,

- b. Mains shall always be tapped on the top and not within 6 inches of the hub or another tap.

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**13.05 WELL ABANDONMENT.** (NR811 AND NR812) (1) PURPOSE. The purpose of this section is to prevent contamination of the groundwater and to protect public health, safety and welfare by assuring that unused, unsafe, or non-complying wells; wells which may serve as conduits for contamination; or wells which may be illegally cross connected to the municipal water system are properly abandoned.

(2) APPLICABILITY. This section to all wells located on premises served by the Village Water Utility municipal water system.

(3) DEFINITIONS.

Municipal Water System. A system for the provision to the public of piped water for human consumption when such system has at least 15 service connections or regularly serves at least 25 year-round residents owned or operated by a city, village, county, town, town sanitary district, utility district or public institution as defined in §40.10(12)(f)1., Wis. Stats., or a privately owned water utility serving any of the above.

Non-complying. A well or pump installation which does not comply with the provisions of Ch. NR 112, Wis. Adm. Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

Pump Installation. The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

Unsafe. A well or pump installation which produces water which is bacteriologically contaminated, contaminated with substances in excess of the standards of Chs. 109 or 140, Wis. Adm. Code, or for which a health advisory has been issued by the Department of Natural Resources.

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

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

Well Abandonment. The filling and sealing of a well according to the provision of Ch. NR881, NR812 Wis. Adm. Code.

(4) ABANDONMENT REQUIRED. All wells located on premises served by the municipal water system shall be abandoned in accordance with terms of this section and Ch. NR811, NR812, Wis. Adm. Code, by March 12, 1991, or no later

than one year from the date of the connection to the municipal water system, whichever occurs last, unless a well operation permit has been obtained by the well owner from the Village Water Utility.

## MUNICIPAL UTILITIES 13.05

- (5) WELL OPERATION PERMIT. The Village Utilities may grant a permit to a private well owner to operate a well for a period not to exceed 5 years providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The Utility or its agent may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. The following conditions must be met for issuance or renewal of a well operation permit:
- (a) The well and pump installation meet or are upgraded to meet the requirements of Ch. NR811, NR812, Wis. Adm. Code.
  - (b) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least 2 samplings taken a minimum of 2 weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves in writing the continued use of the well.
  - (c) There are no cross connections between the well and pump installation and the municipal water system.
  - (d) The proposed use of all well and pump installation can be justified as being necessary in addition to water by the municipal water system.
- (6) ABANDONMENT PROCEDURES. (a) All wells abandoned under the jurisdiction of this section or rule shall be abandoned according to the procedures and methods of Ch. NR811, NR812, Wis. Adm. Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (b) The owner of the well or the owner's agent shall notify the Clerk at least 48 hours prior to commencement of any well abandonment activities. The abandonment of well shall be observed by a Village employee or agent.
  - (c) An abandonment report for supplied by the Department of Natural Resources shall be submitted by the well owner to the Clerk and the Department of Natural Resources within 10 days of the completion of the well abandonment.
- (7) PENALTIES. Any well owner violating any provision of this section shall, upon conviction, be punished by forfeiture of not less than \$5 no more than \$500 and the cost of prosecution. Each day of violation is a separate offense. If any person

fails to comply with this section for more than 10 days after receiving written notice of the violation, the Village may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

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## SEWER UTILITY

### MUNICIPAL UTILITIES 13.10

**13.10 CREATION.** The Village Board pursuant to the provisions of Wis. Stats. §66.067 does hereby declare the Village of Dousman owned sewer system, consisting of the wastewater treatment plant, collection system (as hereinafter defined), waste collection and disposal operations, system of sewerage and all other appurtenances and equipment used for such purposes, or wastewater works (as hereinafter define) a public utility as of June 18, 1981.

**13.11 MANAGEMENT.** (1) The operation, management and control of the utility is vested in the Village Boars as a utility board pursuant to the provisions of Wis. Stats. §66.066(1) and hereinafter referred to as the "Approving Agency". All records of the utility shall be kept by the Village Administrator/Clerk, Treasurer and Superintendent in the Village Hall or other officially designated place.

- (2) The rules, regulations and rates hereinafter set forth shall be considered part of the contract with every individual or entity connected to the wastewater works. These rules, regulations and rates may be changed from time to time as determined by the Village Board and the right is reserved to make special rates and contracts in all proper cases.
- (3) The Village Board shall cause an annual audit of the books of the utility by the Wisconsin Bureau of Municipal Audit or a private firm of certified public accountants and shall make the books and records relating to the utility available for inspection during regular business hours.

**13.12 APPLICATION.** The application of this subchapter, its rules, regulations and rates shall apply to all individuals, firms and corporations residing within the corporate limits of the Village and any person, firm or corporation, by attachment or otherwise coming to locate within the Village subsequent to the effective date hereof.

**13.13 DEFINITIONS.** The meaning of terms used in this subchapter shall be as follows:

- (1) ACT. The Federal Water Pollution Control Act (33 U.S.C 1251, et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) and Pub. L. 93-243, or modified by Wis. Stat. Ch. 147, or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Ch. 147.



(2) APPROVING AUTHORITY. The Village Boars or its duly authorized deputy, agent or representative.

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(3) BOD. The quantity of oxygen expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory conditions for 5 days at a temperature of 20° C. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".

(4) BUILDING SEWER, LATERAL AND SERVICE PIPES. A sewer which carried only sewage and industrial wastes from the building plumbing to the public sanitary system.

#### MUNICIPAL UTILITIES 13.13(5)

(5) COLLECTION SYSTEM. The system of sewers and appurtenances for the collection, transportation and pumping of domestic wastewater and industrial waste.

(6) DEBT RETIREMENT. All annual principal and interest requirements and obligations of the Village for the wastewater works.

(7) DOMESTIC WASTEWATER. Waterborne wastes normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes and in which the average concentration of suspended solids is established at or below 250 mg/l and the BOD is established at or below 200 mg/l.

(8) FLOW PROPORTIONAL COMPOSITE SAMPLE. A sample consisting of portions of waste taken in proportion to the volume of flow of such wastes.

(9) (Rep. MSC "86)

(10) INDUSTRIAL USER. (a) Any non-governmental, nonresidential user of publicly owned wastewater works which discharges more than the equivalent of 25,000 gals. Per day (GPD) of sanitary wastes and whose activities are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

1. Division A. Agriculture, Forestry and Fishing.
2. Division B. Mining.
3. Division D. Manufacturing.

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4. Division E. Transportation, communications, electric, gas and sanitary services.
5. Division I. Services.
  - (b) In determining the amount of a user's discharge for purposes of industrial cost recovery, the grantee may exclude domestic wastes or discharges from sanitary conveniences. After applying the sanitary waste exclusion, dischargers in the above divisions that have a volume exceeding 25,000 GPD or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 GPD of sanitary waste are considered industrial users.
  - (c) Sanitary wastes, for the purposes of this calculation of equivalency, are the wastes discharged from residential users.

## MUNICIPAL UTILITIES 13.13

- (d) Any nongovernmental user of a publicly owned wastewater works which discharges wastewater to the wastewater works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works, shall be an industrial user, even if it does not discharge the equivalent of 25,000 gallons per day of sanitary wastes.
- (11) **INDUSTRIAL WASTE.** Any waterborne solids, liquids or gaseous wastes other than domestic wastewater, resulting from discharging from, flowing from or escaping from any commercial, industrial, manufacturing or food processing operation or process or from the development of any natural resource, or any mixture of these with water or domestic wastewater.
  - (12) **INTERCEPTING SEWER.** A sewer constructed to receive the dry weather flow of untreated or inadequately treated sewage from one or more existing sanitary sewer system terminals other than from a dwelling or building that presently discharges or formerly discharged flow directly into any waters of the state, and convey the flow to a treatment works, or is to serve in lieu of an existing or proposed treatment works.
  - (13) **NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
  - (14) **NORMAL SEWAGE.** Sanitary sewage in which BOD, suspended solids, or phosphorus concentrations do not exceed normal concentrations of:
    - (a) A 5-day 20° C., BOD of not more than 200 parts per million;
    - (b) A suspended solids concentration of not more than 250 parts per million; or
    - (c) Phosphorus not more than 12 parts per million.
  - (15) **OPERATION AND MAINTENANCE COST.** The actual sums spent by the utility in the operation and maintenance of its wastewater works consisting of, but not limited to each and all of the following purposes.
    - (a) Wages and salaries and employees related expenses of operating, maintenance, clerical, laboratory and supervisory personnel, together with fringe benefits and premiums paid on such wages and salaries for the State of Wisconsin workmen's compensation coverage.

(b) Electrical power.

(c) Chemicals, fuel and other operating supplies.

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- (d) Repairs to and maintenance of the equipment associated therewith.
  - (e) Premiums for hazard insurance.
  - (f) Premiums for insurance providing coverage against liability for the injury to persons and/or property.
  - (g) Rents and leasing costs.
  - (h) Operation, licensing and maintenance costs for trucks and heavy equipment.
  - (i) Consultant and legal fees.
  - (j) Replacement.
- (16) PERSONS. Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, governmental agency or other entity and agents, servants or employees,
- (17) pH. The logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in the "Standard Methods".
- (18) PUBLIC SEWER. A sewer in which all owners or abutting properties have equal rights, and is controlled or owned by public authority.
- (19) REPLACEMENT. Expenditures for obtaining and installing equipment, accessories and appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (20) RESIDENTIAL EQUIVALENCY CHARGE. A charge levied on users for Debt Retirement, the charge shall be based on the total Debt Retirement divided by the number of existing Resident Equivalent Connections. (REC)
- (21) RESIDENTIAL EQUIVALENT CONNECTION. The amount of sewage contributed to the system from a single-family residence based on the following criteria which will be computed each year:

$$\text{Flow} = \frac{\text{amount of water used by single family units}}{\text{Total number of single-family units}}$$

$$\text{BOD} = 200 \text{ mg/1}$$

SS = 250 mg/l

- (22) SANITARY SEWER. A sewer that conveys domestic wastewater or industrial waste or a combination of both, and into which storm, surface and ground waters or unpolluted industrial wastewater are not intentionally passed.

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- (23) SEWER USE CHARGE. A charge levied on users for operation and maintenance and replacement costs, based on a cost per 1,000 gallons of flow.
- (24) SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period longer than 15 minutes more than 5 times the average 24 hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- (25) STANDARD METHODS. The examination and analytical procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater: as prepared, approved and published jointly by the American Public Health Association, American Water Works Association and the Water Pollution Federation.
- (26) STORM SEWER. a sewer which carries storm and surface drainage but excludes domestic wastewater and industrial wastes.
- (27) SUPERINTENDENT. The superintendent of the wastewater treatment plant who shall be in charge of and supervise the operations and functions of the wastewater treatment plant.
- (28) SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".
- (29) UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (30) USER. Any person discharging domestic wastewater or industrial wastes into the collection system.
- (31) UTILITY. The Village Sewer Utility established by this chapter (Ch. 13).
- (32) WASTE. Any solids, liquid or gaseous material or combination thereof discharged from any residences, business building, institutions and industrial establishments into the collection system or storm sewer.
- (33) WASTEWATER. A combination of the water-carried waste discharged into the collection system from residences, business buildings, institutions and industrial

establishments, together with such ground surface and storm water as may be present.

- (34) WASTEWATER PUMPING STATION. A pumping facility utilized to pump wastewater within the collection system.



## MUNICIPAL UTILITIES 13.13(35)

- (35) **WASTEWATER TREATMENT FACILITIES.** Any utility owned facility, devices and structures used for receiving and treating wastewater from the utility collection system.
- (36) **WASTEWATER WORKS.** All facilities for collecting, pumping, treating and disposing of domestic wastewater and industrial wastes.
- (37) **WPDES PERMIT.** A permit to discharge pollutants obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Wis. Stat. Ch. 147.

**13.14 RULES AND REGULATIONS.** (1) **DECLARATION OF POLICY.** The Village Board finds and declares that the public health, comfort and safety is preserved and enhanced by the provisions of the wastewater works in the promotion of a clean and healthful environment and that the failure to connect to the wastewater works is contrary to minimum health standards.

- (2) **CONNECTIONS.** (a) To assure preservation of public health, comfort and safety, the owner of any houses, buildings or properties used for human occupancy, employment, recreation, or other habitations, situated within the Village and adjacent to a public sewer or in a block through which a public sewer extends, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 9 months after the public sewer first becomes operational or if an immediate health hazard exists within 30 days upon receipt of notice from the Health Officer or Plumbing Inspector.
- (b) If a person fails to comply with such notice to connect within the given period of time the utility may, at its option:
  - 1. Cause such connections to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such costs shall be assessed as a special tax lien against the property, unless the owner within 30 days after completion of the work, files a written option with the Village Clerk stating that he cannot pay such amount in one sum and asking that it be levied in not to exceed 5 equal annual installments, and the amount shall be so collected with interest at the rate of 10% per annum from the completion of the work, the unpaid balance to be a special tax lien; or
  - 2. Impose a standby charge for the period that such failure continues, after 10 days written notice to any owner failing to make a connection to the wastewater works or an amount equal to 150% of the residential equivalency charge payable monthly for the period in which the failure to connect continues and upon failure to make such payment, such charge shall be

levied as a tax against the lot or parcel to which sewerage service was furnished.

## MUNICIPAL UTILITIES 13.14

- (3) **ALTERNATIVE DISPOSAL PROHIBITED.** (a) No person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended to be used for the disposal of domestic wastewater if a public sewer is available.
- (a) No person shall be discharge to any natural outlet within the Village, or in any area under the jurisdiction of the Village, sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.
- (4) **PLUMBERS.** No plumber, pipe fitter or other person will be permitted to do any plumbing or pipe fitting work in connection with the wastewater works without first receiving a license from the State of Wisconsin.
- (5) **MAINTENANCE OF SERVICES.** All sewer services within the limits of the Village from the main to and throughout the premises served must be maintained free of defective conditions by and at the expense of the owner or occupant of the property served. (Ord #359)
- (6) **USERS.** (a) Application for service. 1. Anyone requesting connection to the wastewater works shall file an application in writing with the utility, in such form as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the Village Administrator/Clerk. The application must state fully and truly all the use which will be presently made. If any change in use from that set forth in this application is contemplated, the user must obtain further application and permission from the utility. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.
- 2 The application may be for service to more than one building, or more than one unit of service through one service connection; and, in such case, charges shall be made accordingly.
- 3 If it appears that the service applied for will not provide adequate service for the contemplated use, the utility may reject the application. If the utility approved the application, it shall issue a permit for services as shown on the application.
4. All expenses relating to the connection to the wastewater works shall be paid by the applicant or owner.
- b. Tap Permits. After sewer connections have been introduced into any building or upon any premises no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall obtain and exhibit the proper permit for the same from the utility.
- (b) User to Keep in Repair. All users shall keep their own service pipes from main to their premises in good repair and protected from frost, at their own

risk and expense, and shall prevent any unnecessary overburdening of the wastewater works. (Ord#359)

- (c) User Use Only. No user shall allow other persons to connect to, or permit other uses to be made of, the wastewater works through his lateral.

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- (d) User to Permit Inspection. Every user shall permit the utility or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use.
- (e) Responsibility. 1. No claim shall be made against the utility or its agents or employees by reason of the breaking, clogging, stoppage, or freezing of any service pipe; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary by the utility, absent gross negligence of the utility, its agents or employees.
2. The Village may cut off the service at any time for the purpose of the repairs or any other necessary purposes, any permit granted or regulation to the contrary notwithstanding. Whenever it shall come necessary to shut off the sewer within the areas of the Village, the utility shall, if practicable, give notice to each affected user.
- (7) EXCAVATIONS. (a) In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.
- (b) No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.
- (c) All services within the public right-of-way shall have their trenches backfilled with compacted sand and gravel unless the excavated material is approved by the Village; and this work together with the replacing of sidewalks, and the paving must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Village. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.
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- (d) All construction within the public right-of-way shall be performed according to the latest edition of Standard Specifications for Sewer and Water Construction in Wisconsin.
- (8) LATERALS. (a) All laterals from the main to and throughout the premises served shall be installed in accordance with DSPS 382.30(11) Wis. Adm. Code, "Building Drains and Building Sewers," as from time to time amended and all other applicable laws. (Ord. #359)
- (b) The building sewer shall be inspected by the Superintendent or his designee upon completion of placement of the pipe and before backfilling; and tested before and after backfilling. (Ord. #359)

- (9) TAPPING THE MAINS. (a) No person, except those having special permission from the Utility or persons in their service and approved by them, will be permitted under any circumstances to tap the public sanitary sewers. The kind and size of the connection with the public sanitary sewers shall be that specified in the permit or order from the Utility.

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(b) Pipes should always be tapped at the top and not within 6" (15cm.) of the joint, or within 24" (60cm.) of another lateral connection.

(c) When any building sewer service is to be re-laid and there are 2 or more buildings on such service, each building shall be disconnected from such service and a new building sewer shall be installed for each building.

**13.15 SEWER SERVICE CHARGES AND RESERVE CAPACITY ASSESSMENT.**

(1) BASIS FOR SEWER SERVICE CHARGES. The sewer service charge shall be based on 2 parts, the residential equivalency charge plus the sewer use charge. IF any person discharging sewage into public sewer system procures any part, or all of his water from sources other than the Village Water Utility, the person shall furnish, install and maintain at his expense, water meters, of a type approved by the Water Utility for the purpose of determining the volume of sewage discharged to the sewerage system, as described in §13.22 of this chapter.

(2) RESIDENTIAL EQUIVALENCY CHARGE. (a) A residential equivalency charge is imposed upon each lot, parcel, building or premises served by the wastewater works or otherwise discharging sewage, including non-domestic and industrial wastes, into the system. Such residential equivalency charge shall be payable as herein provided and shall be on the basis of one unit for each residential equivalent unit.

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(b) On or before September 1 of every year the Village Administrator/Clerk shall recompute the assignment of residential equivalent units to all users within the system. Such summation of residential equivalent units will then be divided into yearly debt service to arrive at the charge per residential equivalent unit. Such recalculation shall be based upon the average water used by each customer (other than single-family dwellings) compared to the average amount of water used by all single-family dwellings for the quarters ending March, June and December. Such assignment method shall apply only to buildings that are attached to and are customers of the Village water utility. Other users shall be assigned REC's in accordance with §13.22. The Residential Equivalency Unit Chart is attached as Appendix "A".

(3) SEWER USE CHARGE.

(a) A sewer use charge is imposed upon all users of the wastewater works based upon the metered water used thereon or therein as calculated by the water utility. On or before September 1 of every year, the Village Administrator/Clerk shall re-compute the sewer use charge per 1,000 gallons of water used. This charge shall be computed by dividing the proposed net yearly operation and maintenance budget as provided in §13.16 of this subchapter, by the previous year's average water consumption.

(b) The residential water consumption for sprinkling during the quarter ending in September and any refrigeration, air conditioning system or industrial cooling water not entering the wastewater works shall not be used in computing the sewer use charge.



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- (c) For residential users during the quarters ending June 30 and September 30, the charge shall be the same as that assessed for an average of the 4<sup>th</sup> quarter of the previous year and the first quarter of the present year, unless the water consumption for those quarters is less than that for the average, in which case the charge shall be for the actual water used. For all other users, the charge shall be per 1,000 gallons based on the metered water used. (Rep. & recr. #136)
- (d) The Village Board in its capacity as the Utility Board acting pursuant to this section, may by motion duly made, seconded and adopted and recorded in the minutes of its proceedings, approve an amendment to the sewer use charge that results in a lower charge than would otherwise be allowed under this section. (Cr. 279)
- (4) INDUSTRIAL AND COMMERCIAL CHARGES FOR OTHER THAN DOMESTIC WASTEWATER.
- (a) Charges for wastewater other than domestic wastewater shall be based on flow, BOD, suspended solids, phosphorus and such other constituents which affect the cost of collection and treatment. All persons discharging wastes into the wastewater works are subject to a surcharge, in addition to any other wastewater service charge, if their wastewater has a concentration greater than domestic wastewater concentrations. The volume of flow used for computing waste surcharges shall be the metered water consumption, or the actual volume of waste as determined by an industrial waste metering installation. The amount of surcharge shall reflect the cost incurred by the utility in removing BOD, suspended solids, phosphorus and other pertinent constituents. The surcharge shall be computed on the basis of Model No. 2 contained on page 5270 of the Federal Register, Volume 39, No. 29, February 11, 1974.
- 2/13/06
- Surcharge = [Bc (B) + Sc (S) + Pc (P)] Vu
- (b) - (e) Reserved. (Rep. #302)
- (5) READY-TO-SERVE CHARGE. The owner of each premise to which sewer service has been provided by the utility but not connected to the wastewater works for service shall pay for the availability thereof a "ready-to-serve charge" of 90% of the rate provided by sub. (2). Any "ready-to-serve charge" becoming effective during any year shall be charged on a pro rata basis for that year in which such charge becomes effective.
- (6) SPECIAL RATES. It is understood that the Approving Authority may at any time hereafter set special rates for any large commercial service, industrial use or any other unique user that does not readily fit into other categories of users.
- (7) SEWER AVAILABILITY CHARGE. (Cr. #302) The Village of Dousman wastewater treatment facilities have been designed and constructed with capacity that is

reserved for the benefit of future users. The Village, therefore, intends to collect a sewer availability charge for all future connections to the Village of Dousman wastewater treatment facilities, to pay for equitable share of the cost of the reserve capacity which benefits such future users. This sewer availability charge shall be established and collected as follows:

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- (a) Reserve Capacity Assessments. The Village of Dousman Village Board may establish reserve capacity assessments, by separate resolution adopted pursuant to §66.0703, Wis. Stats., and/or other applicable laws. Such special assessments shall be imposed upon the property within the Village of Dousman as described in such separate resolutions, and such resolution may defer the payment obligation to the time of connecting to the wastewater treatment facilities. Generally, the intent of this subsection is to require owners of developed property in the Village that is not connected to the wastewater treatment facilities to pay the cost to the Village of reserving capacity for such future connections.
- (b) Impact fees. The Village of Dousman Village Board may adopt an impact fee ordinance pursuant to §66.0617, Wis. Stats., and/or other applicable laws. Such impact fees shall be imposed upon such property within the Village of Dousman as described in such impact fee ordinance. Generally, the intent of this subsection is to require owners of undeveloped property in the Village that is not connected to the wastewater treatment facilities to pay the cost to the Village of reserving capacity for such future connections.
- (c) Annexed/Attached Charges. The Village of Dousman may from time to time annex or attached property to the Village of Dousman subsequent to the adoption of any reserve capacity assessment or impact fee ordinance. Before such property can attach to the wastewater treatment facilities, the property owner must pay to the Village of Dousman an amount equal to the then-current reserve capacity assessment and/or impact fee that may be adopted by the Village from time to time, to the same extent as though such property were subject to the special assessment resolution or impact fee ordinance directly. Generally, that is annexed or attached to the Village to pay sewer availability charges that are equivalent to the sewer availability charges that are imposed upon properties currently within the Village.
- (d) Extraterritorial Sewer Availability Charges. Pursuant to intermunicipal agreements and border agreements with surrounding municipal entities, the Village of Dousman may from time to time allow properties to connect to the Village of Dousman wastewater treatment facilities without requiring that the property annex or attach to the Village of Dousman. In such cases, before connection can be made, the property owner or the governing body of the municipality in which the property is located, must pay to the Village of Dousman an amount equal to the then-current reserve capacity assessment and/or impact fee that may be adopted by the Village from time to time, to the same extent as though such property were subject to the special assessment resolution or impact fee ordinance directly. Generally, the intent of this subsection is to require owners of property that is allowed extraterritorial use of the wastewater treatment facilities to pay sewer

availability charges that are imposed upon properties currently within the Village.

**13.16 ANNUAL BUDGET AND METHOD OF PAYMENT OF CHARGES.**

- (1) Annually before September 1, the Village Administrator/Clerk shall prepare a budget for the following fiscal year which shall be separated into sections, the first operation and maintenance and the second debt service.  
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- (2) Revenues for the operation and maintenance budget shall include any projected year-end balance (excluding depreciation funds and replacement fund), operating fund investment income, contract revenues, permit fees, special rates, and sewer user charges. (Rep. & recr. #137)
- (3) Expenditures for the operation and maintenance budget shall include all costs defined in §13.13(15) of this chapter, plus any projected year-end deficit.
- (4) The operation and maintenance budget shall balance with the sewer use charge per 1,000 gallons increased so that projected revenues equal projected expenditures.
- (5) Revenues for the debt service budget shall include any projected year-end balances in the special assessments funds, transfers from the Tax Incremental Financing Fund, projected residential equivalency charges, sinking fund interest income, Reserve Capacity Assessments, and property taxes.
- (6) Expenditures for the debt service budget shall include principal, interest, premiums, paying agency fees and other expenses related to debt.
- (7) Projected revenues for the debt service budget shall exceed projected expenditures by 25% with the residential equivalency charge per REC increased until revenues are 135% of expenditures.
- (8) Sewer service charges may be billed quarterly and shall be payable at the Village Administrator/Clerk's office or at any other officially designated location. Statements for such charges and assessments, levied and assessed in accordance with this subchapter shall become due and payable within 30 days from and after the date of the statement. If any such statement or statements are not paid when due, a penalty of 10% will be added thereto.
- (9) BILLING. The property owner is held responsible for all sewer bills on premises that he owns. All sewer bills and notices of any nature, relative to the sewer service, will be addressed to the owner and/or occupant and delivered to the addressee by first class mail.
- (10) FAILURE TO RECEIVE BILL NO PENALTY EXEMPTION. Reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for payment of sewer

rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

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- (11) DELINQUENT BILLS. (a) On October 15 in each year, notice shall be given to the owner or occupant of all lots or parcels of real estate to which service has been furnished prior to October 1 and payment for which is owing and in arrears at the time of giving such notice. The utility shall furnish the Village Treasurer with a list of all such lots or parcels of real estate, and the notice shall be given by the Treasurer.
- (b) Such notices shall be in writing and shall state the amount of such arrears, including any penalty assessment pursuant to the rules of such utility; that unless the same is paid by November 1, and penalty of 10% of the amount of such arrears will be added thereto; and that unless such arrears and penalty is paid November 15, the same will be levied as a tax against the lot or parcel of real estate to which service was furnished and for which payment is delinquent as above specified.
- (a) Such notice may be serviced by delivery to either such owner or occupant personally, or by letter addressed to such owner or occupant at the post office address of such lot or parcel of real estate.
- (b) On November 16, the Treasurer issuing the notice shall certify and file with the Village Administrator/Clerk a list of all lots or parcels of real estate, giving the legal description thereof and the amount of the unpaid arrears and penalty. Each such delinquent amount, including such penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the service was furnished and payment for which is delinquent, and the Village Administrator/Clerk shall insert the same as a tax against such lot or parcel of real estate.
- (c) All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to such tax if the same is not paid within the time required by law for payment of taxes upon real estate.

### **13.17 ACCOUNTS AND FUNDS.** (Rep. & recr. #137)

- (1) The operation and maintenance fund shall be used for payment of any items defined in §13.13(15). The funds collected for the replacement shall be deposited in a separate account and used only for replacement purposes.
- (2) The debt service fund shall contain all revenues transferred from special assessments, Tax Incremental Financing Funds, property taxes, residential equivalency charges, Reserve Capacity Assessments and other sources intended for debt. This fund shall be used only for the payment of principal and interest and fees directly related to debt payment.

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- (3) The depreciation fund shall contain an appropriation from the operation and maintenance fund which shall be used for the following purposes:
  - (a) Cost of the replacement of existing sewer mains.



- (b) Cost of substitution of larger size for existing mains.
- (c) Cost of contracted engineering service to insure a planned program.
- (d) Cost of repairs, renewals or expansion of the wastewater works in excess of \$5,000.00.

**13.18 PROHIBITED DISCHARGES.**

- (1) No person shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, yard drainage, yard fountain, swimming pool or pond overflow into the collection system, except as described herein. Unpolluted water or waste shall be discharged to only storm sewers or to a natural outlet, except as described as herein. The Village of Dousman Village Board may allow the connection of a sump pump to the collection system if the Village Board finds that all of the following circumstances exist: (Rep. & recr. #300)
  - (a) The sump pump discharges otherwise enters onto a public road of right-of-way and is not properly draining into Village stormwater drainage facilities, giving rise to health, safety or welfare concerns including icing conditions on the road right-of-way; and
  - (b) The connection is solely for the purpose of eliminating the icing conditions on the public road right-of-way; and
  - (c) The connection to the collection system is made in a way that allows the connection to be opened or closed, and Village of Dousman personnel have the exclusive control over whether the connection valve is open or closed; and
  - (d) The valve which operates the connection to the collection system is equipped with a lock, and the Village of Dousman Village staff are given the only key, code or other device required to open the lock; and
  - (e) The owner of the property executes an agreement in the form approved by the Village of Dousman Village Board incorporating the foregoing conditions and terms, which is recorder against the subject property.
- (2) No person shall discharge or cause to be discharged to the collection system either directly or indirectly any of the following described wastes or wastewater:
  - (a) Any liquid shall have a temperature higher than 150° Fahrenheit (65° C).
  - (b) Any wax, grease, oil plastic or any other substance that will solidify or become discernibly viscous at temperatures between 32° to 150° Fahrenheit (0° to 65° C).

(c) Any solids, liquids or gases which by themselves or by interaction with other substances may cause fire, explosion, hazards, create toxic fumes or in any other way be injurious to persons or property involved in the operation or maintenance of the wastewater works.

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- (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 wastewater works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. 2/11/08
- (e) Any garbage that has not been properly comminuted or shredded to such a degree that all particles will be carried freely in suspension in the municipal sewers. (100% passing 1/2" screen, 90% passing 1/4" screen.)
- (f) Any noxious or malodorous substance, which either singly or by injections with other substances is capable of causing odors objectionable to persons of ordinary sensitivity.
- (g) Any wastes or wastewater having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazards to the wastewater works or personnel.
- (h) Any wastes or wastewater of such character and quantity that unusual attention or expense is required to handle them in the wastewater works.
- (i) Any wastewater or wastes containing a toxic or poisonous substance such as plating or heat treating wastes in sufficient quantity to injure or interfere with wastewater treatment process, to constitute a hazard to humans or animals, to create any hazard in the wastewater works, or which would cause the utility wastewater treatment facilities to discharge any of the following pollutants in quantities in excess of the limitations established in the Wisconsin Administrative Code or WPDES Permit: cyanide, hexavalent, chromium, trivalent, chromium, copper, nickel, cadmium, zinc, phenols, iron and tin.
- (j) Any radioactive wastes greater than allowable releases as specified by current United States Bureau of Standards Handbooks dealing with the handling and release of radioactivity.
- (k) Free or emulsified oil and grease exceeding on analysis an average of 100 mg/l of either both or combinations of free or emulsified oil and grease, if, in an opinion of the Superintendent it appears probable that such wastes or wastewater:
1. Can deposit grease or oil in the collection system in such manner to cause it to clog.
  2. Are amendable to bacterial action and will therefore pass to the receiving waters without being affected by normal wastewater treatment processes.

3. Can have deleterious effects in the wastewater treatment process due to the excessive quantities.

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(l) Any cyanides or cyanogen's compounds capable of liberating hydrocyanic has or acidification in excess of  $\frac{1}{2}$  (0.5) mg/1 by weight as cyanide in the wastes.

(m)Wastes or wastewater which:

- (1) Cause unusual concentrations of solids or compositions; as for example, in total suspended solids of inert nature (such as Fuller's Earth) and/or total dissolved solids (such as sodium chloride, or sodium sulfate).
  - (2) Cause excessive discoloration in the wastewater treatment facilities discharge.
  - (3) Has BOD in excess of 900mg/1 based upon a 24-hour composite sample.
  - (4) Has a total BOD or suspended solids loading in excess of the wastewater discharge permit described in §13.24.
  - (5) Is discharged without application for a wastewater discharge permit or contractual agreement as required under §13.24.
  - (6) Cause damage to the collection system or impair the treatment process.
- (3) No person shall allow the discharge of slugs of water or wastes to the collection system which may be harmful to the operation of the wastewater works. Where, in the opinion of the Superintendent, slugging does occur, each person producing such a discharge into the collection system shall construct and maintain at his own expense, a storage reservoir of sufficient capacity with flow control equipment to insure an equalized discharge over a 24-hour period.
- (4) No person shall discharge any waste or wastewater which would cause the wastewater treatment facilities to be in violation of any of the requirements of their WPDES permit.
- (5) No person shall connect to and discharge to the collection system, unless there is capacity available in all downstream components of the wastewater works as determined by the Village Engineer.

**13.19 ACCIDENTAL DISCHARGES.** Any person who accidentally discharges wastes or wastewater prohibited under §13.18 into the wastewater works or storm sewer shall immediately report such discharge to the Superintendent.

**13.20 PRETREATMENT FACILITIES.** (1) The Approving Authority may require pretreatment facilities of any person discharging or planning to discharge industrial waste, of the waste or wastewater:

- (a) Could cause damage to the collection system.
- (b) Impair the treatment process.

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- (c) Cause the utility to incur treatment costs exceeding those of domestic wastewater.
  - (d) Have any of the characteristics of the "Prohibited Discharges" described in §13.18 of this chapter.
  - (e) Cause the wastewater treatment facilities to exceed its total design loading for volume, BOD, suspended solids or any pollutant.
  - (f) Cause a particular industry to exceed its design allocation for volume, BOD, suspended solids or any other pollutant.
- (2) Construction, operation and maintenance of pretreatment facilities shall be at the expense of the person discharging the industrial waste.
- (3) Plans, specifications and any other pertinent information relating to proposed pretreatment facilities shall be submitted for review of the Superintendent and Village Engineer prior to the start of construction.
- (4) In accordance with Wis. Adm. NR 114, all pretreatment facilities shall be operated by qualified personnel holding a license of the proper class issued by the Wisconsin Department of Natural Resources.

**13.21 SAND AND GREASE TRAP INSTALLATIONS.** The Grease, oil and sand interceptors shall be provided at repair garages, gasoline stations, car washes and other industrial or commercial establishments for the proper handling of liquid wastes containing grease in excessive amounts of oil, flammable wastes, sand and other harmful ingredients. All interceptors shall be constructed in accordance with the State Plumbing Code and shall be located as to be readily and easily accessible for easy cleaning and inspection. All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuous, efficient operation at all times.

**13.22 WASTEWATER MEASUREMENT AND SAMPLING.** (1) The water consumption as determined from the meter records of the Village water utility, shall be the basis for computing the wastewater flows, unless:

- (a) The water is contained in a product or is evaporated or is discharges as unpolluted water or waste to surface drainage. In such cases, an application may be made for a reduction in the volume of data satisfactory to the Superintendent is furnished. This data shall include a flow diagram, destination of water and/or wastewater, supported by sub-metering date, installed in such process piping at the expense of the user.

- (b) The water is condensed from a product, so that the quantity of wastewater is increased over the amount of water being metered. In such cases, the increased flow shall be metered in a manner which is acceptable to the Superintendent and added to the flow obtained from the water meter readings.



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- (c) The quantity of water used during the second and third billing quarter at any single family or duplex dwelling units producing domestic wastewater and having a lawn in connection therewith, shall exceed an average of the quantity of water used during the fourth quarter of the previous year and the first quarter billing of the present calendar year. In such cases, the meter reading average for the fourth quarter of the previous year and the first quarter of the present year shall be used in determining the wastewater flow for such second and third billing quarter, provided, this section shall not be applied to any premises where the water service was disconnected at any time during the averaging periods. The averaging period shall be defined as the months of October, November, December, January, February and March. (Rep. & recr. #136)
  - (d) Water for sprinkling lawns or filling swimming pools is metered separately, then no user charge will be made. All such metering shall be at the user's expense.
  - (e) Any lot, parcel of land, building or premises discharging domestic wastewater or industrial waste into the collection system is supplied in whole or in part with water not obtained from the water utility. The owner or occupant of such property shall install necessary metering equipment as approved by the Superintendent to measure the quantity of water pumped or discharged to the collection system. The user charge shall be based on the quantity of water so measured. Whenever the person fails to install such metering equipment, or where it is not practicable to measure the water consumed on any premises by a meter or meters, the Superintendent shall determine the estimated volume of water discharged into the wastewater works.
- (2) The Superintendent may require the installation of devices for metering the volume of waste discharged of those volumes cannot otherwise be determined for metered water consumption records or if the user discharges over 10,000 gallons on any day. The metering device shall be owned and maintained by the person and may not be removed without consent of the Superintendent.
- (3) All person discharging industrial wastes into the wastewater work shall construct and maintain control manholes in suitable and accessible positions on public property or easement to facilitate the observation, measurement and sampling of all his wastes or wastewater. Control manholes shall be located and constructed in a manner approved by the Superintendent. Plans shall be submitted to the Superintendent prior to construction.

**13.23 INDUSTRIAL WASTE ANALYSIS.** (1) The village will collect samples and perform laboratory tests on industrial waste discharges as necessary to verify the quantity of flow and character and concentration of an industrial waste. The utility test results shall be used to determine the applicable surcharge.

- (2) Waste or wastewater discharge may be sampled manually or by the use of mechanical equipment as necessary to obtain a representative 24-hour composite sample. Samples shall be taken at intervals to be established by contractual agreement under §13.17 or at such intervals as determined by the Superintendent.

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- (3) When Wis. Adm. Code §NR 101 or NR 202 require the submittal of the character and concentration of wastes, waste volume and production information to the utility or Wisconsin Department of Natural Resources (DNR), the user shall have the waste character and concentration determined by an independent testing laboratory. A copy of the test results and DNR reports shall be submitted to the Superintendent.
- (4) All measurements and test analysis of the characteristics of industrial wastes shall be determined in accordance with "Standard Methods".

**13.24 WASTEWATER DISCHARGE PERMIT SYSTEM.** (1) WASTEWATER DISCHARGE PERMIT. (1) A wastewater discharge permit is required under this section if a person's discharge into the utility wastewater works has any of the following characteristics:

1. A BOD greater than 200 mg/l.
  2. A suspended solids concentration greater than 250 mg/l.
  3. A volume of 10,000 gallons per day or greater is discharged by any user at one or more points of discharge.
  4. Any of the characteristics listed under §13.18, "Prohibited Discharges".
- (b) Any person planning to discharge, changing the characteristics of their discharge or whose discharge permit has expired shall make application to the Superintendent within 60 days prior to the discharge.
- (c) All persons currently discharging shall make an application to the Superintendent within 60 days after passage of this chapter (June 18, 1981) and must have an executed permit within 60 days of the application to discharge or discontinue discharging. A discharge permit will be required for each separate point of discharge into the utility wastewater works. No person shall discharge waste or wastewater into the utility wastewater works without a wastewater discharge permit, if required by this section.
- (2) PERMIT APPLICATION. (a) Users seeking a wastewater discharge permit shall complete and file with the Superintendent an application on the form prescribed by the Superintendent. In support of this application, the user shall submit the following information:
1. Name, address and standard industrial classification number of applicant.
  2. Average daily volume of wastewater to be discharged.

3. Wastewater constituents and characteristics as determined by a method approved by the Superintendent.
4. Time and duration of discharge.

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5. Average and peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
  6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
  7. Description of activities, facilities and plan processes on the premises including all materials and types of materials which are, or could be discharged.
  8. Each product produced by type, amount and rate of production.
  9. Number and type of employees, and hours of work.
  10. Any other information as may be deemed by the Superintendent to be necessary to evaluate the permit application.
- (b) The Superintendent will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Superintendent may issue a wastewater discharge permit subject to terms and conditions provided herein.
- (3) PERMIT CONDITIONS. Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the Approving Authority. The conditions of wastewater discharge permits shall be uniformly enforced by the Superintendent in accordance with this chapter and applicable state and federal regulations. Permit conditions will include the following:
- (a) The residential equivalency charge, sewer use charge and schedule for surcharge fees for the wastewater to be discharged to the wastewater works.
  - (b) The average and maximum wastewater constituents and characteristics.
  - (c) Limits on rate and time of discharge or requirements for flow regulations and equalization.
  - (d) Requirements for installation of control manholes.
  - (e) Pretreatment requirements.
  - (f) Requirements for maintaining plant records relating to wastewater discharges as specified by the Superintendent, and affording the Village access thereto.

- (g) Average and maximum pollutant concentrations and total daily average and maximum pollutant discharges for all pollutant subject to limitations and prohibitions which are present in the user's wastewater by the Approving Authority.

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- (h) All person required to make an application for a wastewater discharge permit shall before issuance of the permit, enter into a contractual agreement with the Village. The contractual agreement shall contain the conditions set forth in the discharge permit, requirements for industrial cost recovery charges and other items deemed necessary by the Approving Authority.
  - (i) Other condition as deemed appropriate by the Superintendent to ensure compliance with this chapter.
- (4) **DURATION OF PERMITS.** (A) A permit shall be issued for one year and shall be automatically renewed on a year to year basis, thereafter, unless the person is notified by the Superintendent within 60 days prior to the expiration of the permit or any renewal thereof. After such notification by the Superintendent, the permit shall expire on the end of that year.
- (b) The terms and conditions of the permit shall be subject to modification and change by the Superintendent during the life of the permit, if so, required because of any ordinances, statutes, or rules and regulations of the Approving Authority or any applicable state or federal body. The person shall be informed of any proposed changes in his permit at least 60 days prior to the effective date of change. Any change or new conditions in the permit shall include a reasonable time schedule for compliance.
- (5) **TRANSFER OF A PERMIT.** Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
- (6) **REVOCAION OF PERMIT.** Any user who violates any of the conditions of his permit contractual agreement, or this chapter, or of applicable state or federal regulations, is subject to revocation of his permit.

**13.25 ADMISSION TO PROPERTY.** The Village shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing, in accordance with provisions of this subchapter.

**13.26 CONFIDENTIALITY OF CRITICAL INFORMATION.** When requested by the user furnishing a report or permit application or questionnaire, the portions of the report, or other documents, which might disclose trade secrets or secret processes shall not be made available for use by the Village or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.

**13.27 VIOLATIONS.** (1) Any person who fails to comply with any of the provisions of this subchapter or with an order of the Approving Authority issued in pursuance of this

subchapter, or shall tamper with metering or sampling, shall be liable to the Village for any expense, loss or damage occasioned by such violation including reasonable attorney's fees and other expenses of litigation and upon conviction of any violation of this subchapter, shall be subject to a forfeiture of not less than \$100 nor more than \$2500 per violation, plus damages. Each day a condition is allowed to exist which is contrary to all or any part of this subchapter shall constitute a new violation.



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- (2) Change of ownership or occupancy of premises delinquent under the provisions of this subchapter shall not be cause for reducing or eliminating charges due and penalties for violations.
- (3) If any user shall discharge a waste or wastewater with a BOD concentration of 900 mg/1 or greater, as defined in §13.18(2)(m)3., such user shall pay a penalty of \$200 per violation. Each day a violation occurs shall constitute a separate violation. The penalty shall be added to the monthly or quarterly billing statement.
- (4) In addition to the court proceedings and penalties described in the foregoing sections of this subchapter, whenever a person violates any provision of this subchapter or fails to comply with any order of the Approving Authority, and the Approving Authority may order that an action be commenced on behalf of the utility in the Circuit Court for Washington County for the purpose of obtaining an injunction restraining the person violating the subchapter or failing to comply with the order from making any further discharge into the wastewater works of the Village.

**13.28 STATE REGULATIONS.** The Village shall operate the sewer utility and enforce this subchapter in accordance with §NR 128.13, Wis. Adm. Code. The main item included in §NR 128.13 are as follows:

- (1) The Village shall maintain a proportionate distribution of operation and maintenance costs among users and user classes.
- (2) The Village shall generate sufficient revenues to pay total operation, maintenance and replacement costs.
- (3) The Village shall apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.
- (4) All user charges specifically collected for replacement shall be deposited in a separate and distinct fund which shall be used exclusively for replacement.
- (5) Users discharging toxic pollutant shall pay for any increased operation, maintenance and replacement costs caused by the toxic pollutants.
- (6) Users shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

- (7) This subchapter shall take precedence over any terms or conditions of agreement or contracts between the Village and users which are inconsistent with the requirements of §NR 128.13

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**APPENDIX A  
RESIDENTIAL EQUIVALENT CONNECTION TABLE**  
(Rep. & recr. #302)

- (1) For users of the water system, the following table shall be used to determine the number of Residential Equivalent Connections (RECs) or estimated gallons of water to be used by the new connection.

<i>Residential Users</i>	<i>REC</i>
Condominium	1.00/unit
Single-family home	1.00
Duplex (1REC each side)	2.00
Multiple-family (2bedrooms or more)	1.00/unit
Multiple-family (1bedroom or less)	0.75/unit

- (2) For commercial and industrial users of the water system, the estimated water use shall be determined from the following table. The estimated number of RECs shall be determined by dividing the water use obtained from the table by the use of the average residential user. REC estimates shall be based upon employment hours for a peak day. The minimum number of RECs for any account shall not be less than 1.00 REC. Upon completion of the REC computations all RECs will be rounded up to the nearest 0.5 REC.

SIC Code	Description	Gallons per Employee Hour
0742	Veterinary services for animal specialties	20.0
0752	Animal specialty services	16.0
0782	Lawn and garden services	10.0
1446	Industrial sand	5.0
1521	General contractors – Residential	2.3
1541	General contractors – Industrial buildings and warehouses	2.3
1611	General contractors – Public works	2.3
1711	Plumbing, Heating and air conditioning	2.3
1731	Electrical work	2.3
1761	Roofing and sheet metal work	2.3
1799	Special trade contractors, N.E.C.	2.3
2013	Sausage and other prepared meats	110.0
2065	Candy and other confectionery products	50.0
2087	Flavoring extracts and syrups, N.E.C.	75.0
2394	Canvas and related products	2.3
2431	Millwork	5.0

2434	Wood kitchen cabinets	5.0
2522	Metal office furniture	2.3
2721	Periodicals: Publishing and printing	10.0
2731	Books: Publishing and printing	10.0
2751	Commercial printing, letterpress and screen	10.0

## MUNICIPAL UTILITIES

App. A

SIC Code	Description	Gallons per Employee Hour
2752	Commercial printing, lithographs	10.0
2789	Book binding and related work	10.0
2795	Lithograph plate making and related services	25.0
2819	Industrial inorganic chemicals, N.E.C.	10.0
2834	Pharmaceutical preparation	10.0
2841	Soap and other detergents	15.0
2893	Manufacturing of printing ink	30.0
2899	Chemicals and chemical preparations, N.E.C.	10.0
3079	Miscellaneous plastic products	85.0
3111	Leather tanning and finishing	345.0
3272	Concrete products, except block and brick	25.0
3442	Metal doors, sash, frames, molding and trim	2.3
3444	Sheet metal work	40.0
3451	Screw machine products	10.0
3462	Iron and steel forging	5.0
3469	Metal stampings, N.E.C.	5.0
3471	Electroplating plating, polishing, anodizing, etc.	50.0
3479	Coating, engraving and allied services, N.E.C.	100.0
3495	Wire springs	2.3
3498	Fabricated pipe fittings	2.3
3499	Fabricated metal products, N.E.C.	25.0
3531	Construction machinery and equipment	5.0
3544	Dpec. Dies and tools, die sets, jigs, and fixtures, molds	10.0
3562	Ball and roller bearings	5.0
3565	Industrial patterns	5.0
3569	General; industrial machinery and equipment, N.E.C.	4.0
3576	Scales and balances, except laboratory	2.3
3599	Machinery, except electrical, N.E.C.	10.0
3613	Switchgear and switchboard apparatus	5.0
3632	Household refrigerators and home and farm freezers	2.3
3694	Electrical equipment for internal combustion engines	2.3
3714	Motor vehicle parts and accessories	75.0
3999	Manufacturing industries, N.E.C.	2.3
4141	Local passenger transportation charter service	2.3
4151	School buses	2.3
4212	Local trucking without storage	10.0
4213	Trucking except local	2.3
4225	General warehousing and storage	2.3
4311	U.S. Postal Service	2.3
4722	Travel Agency	2.3
4811	Telephone communications	2.3

4832	Radio Broadcasting	2.3
5042	Toys and hobby goods and supplies	2.3
5063	Electrical apparatus and equipment	2.3
5054	Electrical appliances	2.3
5072	Hardware – Wholesale distribution	2.3
5082	Construction and mining machinery and equipment	2.3
5084	Industrial machinery and equipment	2.3
5142	Frozen foods	10.0
5149	Wholesale groceries and related products, N.E.C.	10.0
5199	Wholesale nondurable goods, N.E.C.	10.0
5211	Lumber and other building materials dealer	2.3
5231	Paint, glass, wallpaper	2.3
5251	Hardware – Retail sales	2.3
5261	Retail nurseries, lawn and garden supply stores	10.0
5271	Mobile home dealers	2.3
5311	Department stores	2.3
5331	Variety stores	2.3
5411	Grocery stores with meat and produce departments	16.0
5412	Grocery stores without meat and produce departments	6.0
5441	Candy, nut and confectionery stores	10.0
5462	Retail bakeries – Baking and selling	10.0
5499	Miscellaneous food stores	2.3
5511	Motor vehicle dealers	5.0
5531	Auto and home supply stores	2.3
5541	Gasoline service stations	15.0
5551	Boat dealers	5.0
5611	Clothing stores	2.3
5651	Shoe stores	2.3
5681	Furriers and fur shops	5.0
5711	Furniture, floor coverings, appliances	2.3
5812	Eating places (restaurants)	20.0
5813	Drinking places (Taverns)	45.0
5912	Drugstores and proprietary stores	2.3
5921	Liquor stores	2.3
5931	Used merchandise stores	2.3
5941	Sporting goods stores and bicycle shops	2.3
5942-9	Miscellaneous stores	2.3
5992	Florists	10.0
5999	All other retail stores	2.3
6022-59	Banks	2.3
6122-63	Savings and loans	2.3
6311	Insurance companies	2.3
5411	Insurance agents	2.3
6512	Operators of nonresidential buildings	2.3
6515	Operators of residential mobile home sites	2.3

6531	Real estate agents and managers	2.3
6553	Cemetery subdividers and developers	2.3
6722	Management investment offices	2.3
7011	Hotels, motels, tourist courts	0.5/REC/Unit
7211	Power laundries, family and commercial	105.0
7212	Cleaning and laundry pickup stations	2.3
7215	Fac. Coin-op laundries and dry cleaning	910.0
7221	Photographic studios	2.3
7231	Beauty shops	16.0
7241	Barber shops	10.0

MUNICIPAL UTILITIES                      App. A

SIC Code	Description	Gallons per Employee Hour
7261	Funeral service and crematories	15.0
7299	Miscellaneous services, N.E.C.	2.3
7311	Advertising agencies, employment services	2.3
7332	Blueprinting and photocopying services	2.3
7351	Employment agencies	2.3
7391	Research and development laboratories	10.0
7395	Photofinishing labs	10.0
7512	Passenger car rental and leasing, w/o drivers	10.0
7531	Top and body repair shop	5.0
7534	Tire re-treading and repair shops	20.0
7538	General automotive repair shops	5.0
7542	Car washes	115.0
7622	Radio and television repair	2.3
7699	Repair shops and related services, N.E.C.	2.3
7832	Motion picture theaters, not drive-ins	20.0
7911	Dance halls, studios and schools	20.0
7922	Theatrical producers	20.0
7933	Bowling alleys	50.0
7992	Public Golf courses	45.0
7997	Membership sports and recreation clubs	75.0
7999	Roller rinks, gymnasiums, museums	20.0
8011	Office of Physicians	10.0
8021	Offices of dentists	10.0
8031	Offices of osteopaths	10.0
8041	Offices of Chiropractors	10.0
8051	Skilled nursing care facilities	20.0
8091	Health and allied services, N.E.C.	10.0
8111	Attorneys	2.3
8211	Elementary and secondary schools	20.0
8221	Colleges, universities and professional schools	25.0

8231	Libraries and information centers	20.0
8249	Vocational schools, N.E.C.	20.0
8421	Arboreta, botanical and zoological gardens	45.0
8621	Professional membership organizations	2.3
8641	Civic, social and fraternal associations	15.0
8661	Religious organizations (hours occupied only)	20.0
8699	Membership organizations, N.E.C.	2.3
8911	Engineering, architectural and surveying services	2.3
8931	Accountant	2.3
9199	General government, N.E.C.	2.3
9221	Police protection	2.3
9224	Fire Protection	2.3
9451	Administrative of veteran's affairs	2.3
9999	All offices, N.E.C.	2.3

NOTE: Parsonages should be regarded as single-family residences.



**GAS**

**13.30 NATURAL GAS FRANCHISE.** The Village Board by Ordinance dated December 6, 1966, granted a natural gas franchise to Wisconsin natural Gas Company and such ordinance is not repealed by this codification.

**PENALTY**

**13.31 PENALTY.** Any person who violates any provision or rule, regulation or order of this chapter shall be subject to a penalty as provided in §25.04 of this Municipal Code.

**13.32 INSPECTION.** (Cr. #299) The Village Building Inspector is authorized and directed to conduct such inspections as may be required by this Chapter 13, subject to the supervision of the Village Utility Superintendent. For such duties, the Village Building Inspector may be provided with assistance of such additional persons as the Board may direct.

3/9/09