

Village of Almena, WI
Tuesday, July 30, 2024

Chapter 275. Water and Sewers

[HISTORY: Adopted by the Village Board of the Village of Almena as indicated in article histories.
Amendments noted where applicable.]

Article I. General Provisions

[Adopted as §§ 13.01 to 13.03, 13.06 and 13.10 of the former Village Code]

§ 275-1. Agreement to comply with Water Utility operating rules.

All persons now receiving a water supply from the Utility, or who may hereafter make application therefor, shall be considered as having agreed to be bound by all rules and regulations as filed with the State Public Service Commission.

§ 275-2. Public Service Commission rules adopted.

- A. The following provisions of Ch. PSC 185, Wis. Adm. Code, are adopted by reference and made a part of these rules as if set forth in full. A violation of any of such rules shall constitute a violation of this section and shall be punishable as provided in § **275-5** of this article.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- (1) Section 185.11, Authorization For and Application of Rules.
- (2) Section 185.12, Definitions.
- (3) Section 185.13, General Requirements.
- (4) Section 185.15, Free or Discriminatory Service Prohibited.
- (5) Section 185.16, Protection of water Utility Facilities.
- (6) Section 185.17, Interference With Public Service Structures.
- (7) Section 185.18, Location of Records.
- (8) Section 185.19, Retention of Records.
- (9) Section 185.21, Schedules to be Filed with the Commission.
- (10) Section 185.22, Information Available to Customers.
- (11) Section 185.31, Metered Service.
- (12) Section 185.32, Meter Readings and Billing Periods.
- (13) Section 185.33, Billing.
- (14) Section 185.35, Adjustment of Bills.
- (15) Section 185.36, Deposits for residential service.

- (16) Section 185.37, Disconnection and Refusal of Service.
- (17) Section 185.38, Deferred Payment Agreement.
- (18) Section 185.39, Dispute Procedures.
- (19) Section 185.41, Employees Authorized to Enter a Customer's Premises.
- (20) Section 185.42, Customer Complaints.
- (21) Section 185.43, Construction Records.
- (22) Section 185.44, Records and Reports of Service Interruptions.
- (23) Section 185.45, Pumpage Records.
- (24) Section 185.46, Meeting Equipment Records.
- (25) Section 185.47, Other Records.
- (26) Section 185.51, Requirement for Good Engineering Practice.
- (27) Section 185.52, general Construction Standards.
- (28) Section 185.61, Meters.
- (29) Section 185.65, Accuracy Requirements for Meters.
- (30) Section 185.71, Meter Testing Facilities and Equipment.
- (31) Section 185.72, Calibration of Meter Testing Equipment.
- (32) Section 185.73, Testing of Customer Meters.
- (33) Section 185.74, Test Flows.
- (34) Section 185.75, Required Tests of Customer Meters.
- (35) Section 185.76, Periodic Tests.
- (36) Section 185.77, Request and referee tests.
- (37) Section 185.79, Remote outside meter (ROM) and automatic meter reading (AMR) system tests.
- (38) Section 185.795, Electrical safety
- (39) Section 185.81, Quality of Water.
- (40) Section 185.82, Pressure Standards.
- (41) Section 185.83, Station Meters.
- (42) Section 185.85, Water audits and water loss control.
- (43) Section 185.86, Flushing Mains.
- (44) Section 185.88, Frozen laterals.
- (45) Section 185.89, Adequacy of Water Supply, Emergency Operations and Interruptions of Service.

§ 275-3. Combined Utility.

The waterworks system and sanitary sewerage system of the Village shall be combined and operated as a single Public Utility pursuant to § 66.0819, Wis. Stats.

§ 275-4. Compulsory connection to sewer and water.

- A. Notice to connect. Whenever the public sewer or water system becomes available to any public, commercial, mercantile or business building or any building used for human habitation, the Health Officer shall notify in writing the owner, agent or occupant thereof to connect thereto all facilities required by the Health Officer. If the person to whom notice has been given fails to comply within 90 days after notice, the Health Officer shall cause the necessary connections to be made; and the expense thereof shall be assessed as a special tax against the property pursuant to § 281.45, Wis. Stats.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- B. Deferred payment. The owner or his agent or the occupant may, within 30 days after the completion of the work, file a written option with the Village Treasurer electing to pay the amount of the assessment in five equal annual installments with interest on the unpaid balance at 8% per year.
- C. Privies and waterless toilets prohibited. After connection of any building to a sewer main hereunder, no privy or waterless toilet shall be used in connection with such building.

§ 275-5. Violations and penalties..

Any person who shall violate any provision of this article or any regulation, rule or order made hereunder shall be subject to a penalty as provided by § 1-4 of this Municipal Code.

Article II. Sewer Use

[Adopted as § 13.04 of the former Village Code]

§ 275-6. Purpose.

The purpose of this article is to provide for the use of the publicly owned sewerage facilities located within the area served by the Village of Almena, Barron County, Wisconsin, without damage to the physical facilities, without impairment of their normal function of collecting, treating and discharging domestic wastewaters from the area served by the Village, and without the discharge by the publicly owned treatment works of pollutants which would be in violation of its permitted discharge under the applicable rules and regulations of state and federal regulatory agencies.

§ 275-7. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

APPROVING AUTHORITY

The Village Board or an authorized deputy, agent, representative or consulting engineer. "Approving authority" and "Village" are used interchangeably.

BOD (BIOCHEMICAL OXYGEN DEMAND)

The quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five days at 20° C. and expressed in milligrams per liter.

COMBINED SEWER

A sewer intended to receive both wastewater and stormwater or surface water.

COMMERCIAL AND INSTITUTIONAL USER

Those users of the publicly owned treatment works which are not residential and are not classified as an industrial user.

COMPATIBLE POLLUTANTS

Those pollutants generally characterized as BOD, suspended solids, pH and fecal coliform, together with any additional pollutants defined in the Village's WPDES permit, unless the concentrations of any of these pollutants are such that they interfere with the operation of the treatment works or exceed the limits established under §§ 275-9 and 275-10 of this article.

DEBT SERVICE CHARGE

That charge to the users which shall, in whole or in part, defray the costs of retiring the debts incurred in the construction of any wastewater facilities by the Village.

DOMESTIC WASTEWATER

Water-borne 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 250 mg/l.

FLAT CHARGE

The charge made to unmetered users for use of the treatment works.

INCOMPATIBLE POLLUTANTS

All pollutants which are not "compatible," as defined in this section.

INDUSTRIAL COST RECOVERY

Recovery by the Village from industrial users of a wastewater works of the grant amount allocable to the treatment of wastes from such users pursuant to § 204(b) of the Federal Act.

INDUSTRIAL USER as defined for INDUSTRIAL COST RECOVERY

- A. Any nongovernmental user of publicly owned treatment works which discharges more than 25,000 gallons per day of sanitary waste, or a volume of process waste, or combined process and sanitary waste, equivalent to 25,000 gallons per day of sanitary waste. Sanitary wastes are the wastes discharged from the average residential user in the Village's service area. The strength of the average residential waste discharge in the Village's service area shall be defined in terms of a concentration of 250 mg/l biological oxygen demand (BOD) and 250 mg/l suspended solids (SS). These concentrations will be applied in determining equivalent volumes of process waste or combined discharges of sanitary and process wastes.
- B. Any nongovernmental user of a publicly owned treatment works discharging wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity that, either singly or by interaction with other wastes, injures or interferes with any sewage treatment process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has any adverse effect upon the waters receiving any discharge from the treatment works.

INDUSTRIAL USER AS DEFINED FOR INDUSTRIAL USER CLASS

Any user of the publicly owned treatment works that engages in the processing, blending, assembling or any type of transformation of materials or substances into new products. This type of user would normally occupy an establishment described as a plant, factory or mill.

INDUSTRIAL WASTE

The wastewater from an industrial user as distinct from domestic wastewater.

MINIMUM CHARGE

The amount charged to each user regardless of use. This charge does not provide the user a minimum amount of use.

OPERATION AND MAINTENANCE COSTS

All costs incurred in the operation and maintenance of the Village's wastewater treatment works. This class of cost shall include, but not be limited to, labor, energy, chemicals and replacement costs and excludes debt retirement.

PERSON

Any individual, firm, company, association, society, corporation or group.

pH

The logarithm (base 10) of the reciprocal of the hydrogen ion concentration in gram moles per liter of solution as determined by acceptable laboratory procedures.

REPLACEMENT COST

Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed. The term "operation and maintenance" includes replacement. The yearly replacement cost is calculated as follows:

$$a = \frac{\text{Present Installed Cost}}{\text{Projected Service Life}}$$

RESIDENTIAL USER

A user of the publicly owned treatment works who would occupy an establishment considered a house or apartment or other facility in which people live.

SANITARY SEWER

A sewer that conveys domestic waste-water or industrial waste or a combination of both, and into which storm, surface and ground waters or unpolluted industrial waste-water are not intentionally passed.

SEWER SERVICE CHARGE

The sum of the minimum charge, user charge, debt service charge and any applicable surcharge.

SLUG

Any discharge of water or wastewater which, in concentrations of any given constituent or in quantity of flow, exceeds for any period longer than 15 minutes more than five times the average twenty-four-hour concentration of flows during normal operation, and which adversely affects the collection system and/or performance of the wastewater treatment plant.

STANDARD METHODS

The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," promulgated by the American Public Health Association, American Water Works Association and Water Environment Federation.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

STORM SEWER

A sewer which carries storm and surface drainage but excludes domestic wastewater and industrial wastes.

SURCHARGE

An additional charge related to industrial wastes being discharged by any user having unusual characteristics such as excessive BOD, excessive suspended solids or other pollutants.

SUSPENDED SOLIDS (SS)

Total suspended matter that either floats on the surface of or is in suspension in water, sewage, or other liquids and which is removable by a laboratory filtration device. Quantitative determination of SS shall be made in accordance with procedures set forth in "Standard Methods."

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.

USER

Any person discharging domestic wastewater or industrial wastes into the collection system.

USER CHARGE

The charge to users by the treatment plant which adequately provides for proportionate recovery of the operation and maintenance costs.

USER CLASS

A group of users having similar wastewater flows and characteristics, levels of BOD, suspended solids, etc.

WASTEWATER

A combination of the water-carried waste discharged into the collection system from residences, commercial buildings, institutions and industrial establishments, together with such ground surface and stormwater as may be present.

WASTEWATER TREATMENT WORKS

All facilities for collection pumping, treating and disposing of domestic wastewater and industrial waste.

WPDES PERMIT

The Wisconsin Pollutant Discharge Elimination System Permit, which allows the Village to discharge wastes to a watercourse, provided those wastes meet the conditions of the permit.

§ 275-8. General requirements.

- A. Discharge of wastewater prohibited. No person shall discharge to any natural outlet within the Village, or in any area under the jurisdiction of the Village, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- B. Privies, septic tanks and cesspools: compliance with provisions required. Except as provided in this article, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
- C. Connection with public sewer required. The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required, at the owner's 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 article, within 90 days after date of official notice to do so; provided, that the public sewer is within 100 feet (30.5 meters) of the property line. Where a public sanitary sewer is not available under the provisions of this article, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.
- D. Compliance with county regulations required. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Barron County zoning administrator, and the owner shall comply with the then-applicable Barron County sanitary laws. The Village expressly consents to the enforcement of such laws by the Barron

County zoning administrator and other Barron County officials within the Village. Violations of this article may also be prosecuted by the Village.

- E. Inspection of installation. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the approving authority. The approving authority shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the approving authority when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of receipt of notice by the approving authority.
- F. Compliance with certain state provisions required: discharge to natural outlet prohibited. The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Safety and Professional Services. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- G. Connection with public sewer required when available. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Subsection **F** above, a direct connection shall be made to the public sewer within 90 days, in compliance with this article, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.
- H. Sanitary operation required. The owner shall operate and maintain the private wastewater disposal facility in a sanitary manner at all times, at no expense to the Village.
- I. Conflict of provisions. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Village Board.
- J. Wastewater discharge permit. A wastewater discharge permit shall be required of any person desiring to discharge wastewater to the wastewater treatment works, and shall be of 2 classes as follows:
 - (1) A domestic wastewater discharge permit shall be required of any person desiring to discharge domestic waste and shall be considered as part of the building permit required and issued by the Village.
 - (2) An industrial wastewater discharge permit shall be required of any person desiring to discharge an industrial waste and shall be completely separate from any other permits issued by the Village. Further requirements for this class of permit can be found in § **275-13** of this Municipal Code.
- K. Owner responsibility and compliance with Village regulations. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing chapters of this Municipal Code, or other applicable rules and regulations of the Village.
- L. Inspection. The Village shall be permitted to have an authorized representative inspect any new or old installations for compliance with the regulations of this article.
- M. New connections. New connections to the system shall not be allowed unless all downstream components have a reserve capable of accepting them.

§ 275-9. Prohibited discharges.

- A. No person shall discharge or cause to be discharged any unpolluted waters, such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sewer; except that stormwater runoff from limited areas which may be polluted at times may be discharged to the sanitary sewer by permission of the approving authority.

- B. Stormwater, other than that exempted under Subsection **A** above, and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated as storm sewer, or to a natural outlet approved by the approving authority. Unpolluted industrial cooling water or process waters may be discharged, on approval of the approving authority, to a storm sewer or natural outlet.
- C. Except as provided in this section, no person shall discharge or cause to be discharged any of the following described wastes to any public sewer:
- (1) Gasoline, benzene, naptha, fuel oil or other flammable or explosive liquid, solid or gas;
 - (2) Water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment plant;
 - (3) Water or wastes having a pH lower than 6.0 or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works;
 - (4) Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewer, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

§ 275-10. Limited and restricted discharges.

The following described substances, materials, waters or wastes shall be limited, in discharges to municipal systems, to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb or public property, or constitute a nuisance. The approving authority may set limitations lower than the limitations established in the regulations below, if such limitations are necessary to meet the above objections. In forming an opinion as to acceptability, the approving authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer, which shall not be violated without approval of the approving authority, are as follows:

- A. Wastewater having a temperature higher than 150° F. (65° C.);
- B. Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin;
- C. Wastewater from industrial plants containing floatable oils, fats or grease;
- D. Garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises, or when served by caterers;
- E. Water or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority in compliance with State regulations;

- F. Water or wastes containing odor-producing substances exceeding limits which may be established by the approving authority in compliance with State regulations;
- G. Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the approving authority, in compliance with State or federal regulations;
- H. Quantities of flow, concentrations, or both, which constitute a "slug," as defined in § 275-7 of this code.
- I. Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the Village's WPDES permit;
- J. Water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes;
- K. Materials which exert or cause:
 - (1) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant;
 - (2) Unusual volume of flow or concentration of wastes constituting "slugs";
 - (3) Unusual concentrations of inert suspended solids, such as fuller's earth, lime slurries and lime residues, or of dissolved solids, such as sodium sulfate;
 - (4) Excessive discoloration, such as dye wastes and vegetable tanning solutions.

§ 275-11. Pretreatment.

- A. Pretreatment required; cost. When, in the opinion of the approving authority, and in accordance with Title 40, Part 128 of the Code of Federal Regulations, and other applicable State and federal regulations, pretreatment is required to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment facility, the person creating the waste shall provide, at his expense, such preliminary treatment or processing facilities as may be determined required to render his wastes acceptable for admission to the public sewers.
- B. Interceptor requirements. Grease, oil and sand interceptors shall be provided when, in the opinion of the approving authority, they are necessary for the proper handling of such wastes, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the State Plumbing Code, and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal, by appropriate means, of the captured material, and shall maintain records of the dates and means of disposal, which are subject to review by the approving authority. Any removal and handling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste-disposal firms.

§ 275-12. Special agreements.

No statement contained in this article shall be construed as prohibiting any special agreement between the Village and any person whereby an industrial waste of unusual strength or character may be admitted to the sewage disposal works, either before or after pretreatment, provided that there is no impairment of the functioning of the sewage disposal works by reason of the admission of such wastes, and no extra costs are incurred by the Village without recompense by the person.

§ 275-13. Industrial wastes.

An industrial wastewater discharge permit is required under provisions of this article. For any discharge by an industrial user, as defined in § 275-7 of this Municipal Code, this permit must be obtained 180 days prior to the beginning of discharge. In support of his application, the user shall submit the following information:

- A. Name, address and standard industrial classification number of applicant.
- B. Average volume of wastewater to be discharged.
- C. Wastewater constituents and characteristics as determined by examination according to "Standard Methods."
- D. Time and duration of discharge.
- E. Average and peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
- G. Description of activities, facilities and plant processes on the premises including all types of materials which are, or could be, discharged.
- H. Each product produced by type, amount and rate of production.
- I. Number and type of employees and hours of work.
- J. Any other information which the approving authority may deem necessary to evaluate the permit application. The approving authority will use a consulting engineer to evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the approving authority may issue a wastewater discharge permit subject to appropriate terms and conditions.

§ 275-14. Industrial cost recovery.

As the Village currently has no industrial users that would qualify for industrial cost recovery, this article will be expanded in accordance with 40 CFR 35.928 at such time as an application for an industrial discharge permit is made. A part of this article will be modified to include such monitoring and testing requirements necessary for equitable division of costs.

§ 275-15. Sewer service charge.

- A. Authority. The Village Board shall have the authority to establish and collect a sewer service charge for the use of the public wastewater treatment works maintained by the Village.
- B. Classes of users.
 - (1) The following user classes shall obtain:
 - (a) Residential.
 - (b) Commercial and institutional.
 - (c) Industrial.
 - (2) All users will pay at the residential rate plus the appropriate surcharges for their user class.

- C. Method of computing. The service charge shall be based on water or wastewater meter readings when available. When such meter readings are unavailable, the service charges will be a flat charge based on the estimate of usage for the unmetered users. This estimate shall be 12,000 gallons per quarter as determined from the 1977 Public Service Commission Report. Where the flat charge must be used, it will be paid for the full quarter and shall not be prorated. If service should be interrupted for any full quarter, only the minimum will be charged. The flat charge will be adopted by resolution.
- D. Debt service charge. All charges incurred for debts prior to June 1, 1978, for capital improvements and operating and maintenance expenses for the wastewater treatment works shall be paid for by a debt service charge which is a part of the total sewer service charge, or by sums which the Village Board annually elects to take from the general fund. The amount of this charge will be reviewed annually and adopted by resolution.
- E. Minimum charge. The minimum charge per user shall be the charge to cover the cost of billing and collecting of accounts and 75% of maintenance cost of the sewage collection system to be paid for each connection for the availability of the service. This charge will be made regardless of use and shall be adopted by resolution.
- F. User charge. The user charge for the residential user class for discharging domestic wastewater shall be based on a minimum annual charge per user and on the volume used by each user. The amount of this charge will be reviewed annually and adopted by resolution.
- G. Surcharges.
 - (1) The commercial and institutional class of users shall be charged at the residential user rate and shall have no further surcharges.
 - (2) The industrial user class of users shall be charged at the residential user rate plus a surcharge developed at such time as an application is received for a permit to discharge an industrial waste.
- H. Industrial cost recovery. As determined in Subsection I below, the industrial cost recovery shall be included here and made a part of the total sewer service charge.
- I. Total sewer service charge. The total sewer service charge shall be the sum of the minimum charge, the debt service charge, user charge, any applicable surcharges, and industrial cost recovery charges. For unmetered services, the total sewer charge shall consist of the minimum charge plus the flat charge.
- J. Billing periods. The debt charge, user charge, industrial surcharge and ICR payment portions of the service charges provided in this section shall be included as separate items by the Village. Such bills will be payable in accordance with the schedule established by the Village. These bills are normally payable in four quarterly payments each year.
- K. Due date. All portions of the service charges shall be payable at the time the bill for the same is issued.
- L. Late penalties. Charges levied in accordance with this section shall be a debt due to the Village and shall be a lien upon the property. If this debt is not paid within 15 days after it is due and payable, it shall be deemed delinquent, and a 3% charge added. This debt may then be recovered by civil action in the name of the Village against the property owner, the person or both. If delinquent payments are not received by November 1, a 10% charge shall be added to delinquent bills. Thereafter, if payment is not received prior to November 15, the delinquent bill will be forwarded to the county for placement on the succeeding tax roll.
- M. Failure to pay; disconnection; restoration of service.
 - (1) In the event of a user's failure to pay sewer service charges after they become delinquent, the Village shall have the right to remove or close sewer connections and to enter upon the property to do so.

- (2) The expense of removal or closing, as well as the expense of restoring service, shall be a debt to the Village and a lien upon the property, and may be recovered by civil action in the name of the Village against the property owner, the person, or both.
 - (3) Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration, shall have been paid.
 - (4) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.
- N. Audit of general account. The Village shall conduct an annual audit to maintain the proportionality and adequacy of the sewer service charge relative to changing system operation, maintenance and debt service costs.
- O. Audit of industrial cost recovery account. The Village shall conduct an annual audit of the separate industrial cost recovery account, if and when it is established, to ensure that proportionate and adequate payments are being made by industries to the Village, and by the Village to the Federal Treasury.

§ 275-16. Violations and penalties.

- A. Willful, negligent or malicious damage. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage facility. Any persons violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.
- B. Written notice required. Any person, found to be violating any provision of this article, except § **275-15J** shall be served by the Village with a written notice stating the nature of the violation, and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- C. Accidental discharge into sewers. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a forfeiture, pay the amount to cover damages as established by the approving authority.
- D. Continued violations. Any person, partnership or corporation, or any officer, agent or employee thereof, who shall continue any violation beyond the notice time limit provided in this article shall, upon conviction thereof, forfeit not more than \$500 together with the costs of prosecution. In default of payment of such forfeiture and costs, the violator shall be imprisoned in the county jail for a period not to exceed 30 days. Each day in which any violation is continued beyond the notice time limit shall be deemed a separate offense.
- E. Liability for expense, loss or damage. Any person violating any provisions of this article shall become liable to the Village for any expense, loss or damage occasioned by reason of such violation, which the Village may suffer as a result thereof.

Article III. Private Well Abandonment

[Adopted as § 13.07 of the former Village Code; amended 6-11-2013]

§ 275-17. Purpose.

To protect public health, safety and welfare and to prevent contamination of water supplies by assuring that unused, unsafe, or noncomplying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or properly filled and sealed.

§ 275-18. Applicability.

This article applies to all wells located on the premises served by the Village of Almena municipal water system. Communities outside the jurisdiction of a supplying municipal system are also required by code, contract agreement, or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for the purpose stated in § 275-17 above.

§ 275-19. Definitions.

As used in this article, the following terms shall have the meanings indicated:

COMMUNITIES SERVED

Any jurisdiction having customers supplied by a municipal water system as retail or wholesale customers, including those outside the jurisdiction of the supplying system;

MUNICIPAL WATER SYSTEM

A community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing;

NONCOMPLYING

A well or pump installation which does not comply with § NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations and which has not been granted a variance pursuant to § NR 812.43, Wisconsin Administrative Code;

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;

SERVED BY

Any property having a water supply pipe extending onto it which is connected to the municipal water system;

UNSAFE

Well or pump installation means one which produces water which is Bacteriologically contaminated or contaminated with other substances exceeding the drinking water standards of Ch. NR 140 or 809, Wis. Adm. Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

UNUSED

One which does not have a functional pumping system or other complying means of withdrawing water.

WELL

A drill hole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.

WELL ABANDONMENT

The proper filling-and-sealing or decommissioning of a well according to the provisions of § NR 812.26, Wisconsin Administrative Code.

§ 275-20. Well abandonment required.

All wells on premises served by the municipal water system shall be properly filled-and-sealed in accordance with § 275-22 of this article by not later than one year from the date of connection to the municipal water system, or discovery or construction of a well, unless a valid well operation permit has been issued to the well owner by the Village of Almena under terms of § 275-21 of this article.

§ 275-21. Well operation permit.

- A. Owners of wells on premises served by the municipal water system shall make application for a well operation permit for each well no later than one year after connection to the municipal water system or date of discovery or construction of a well. The Village of Almena shall grant a permit to a well owner to operate a well for a period not to exceed five years providing all conditions of this article are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this article are met. The Village of Almena or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be 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. All initial and renewal applications must be accompanied by a fee as set from time to time by the Village Board.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- B. The following conditions must be met for issuance or renewal of a well operation permit:
- (1) The well and pump installation shall comply with the Standards for Existing Installations described in § NR 812.42, Wisconsin Administrative Code, or repaired to comply with current standards. Compliance shall be verified by inspection for initial issuance of a permit and every 10 years thereafter. Inspections shall be conducted by a Wisconsin licensed well driller or pump installer and documented on inspection report form DNR No. 3300-221, to be submitted to the Clerk.
 - (2) The well and pump shall have a history of producing safe water evidenced by a certified lab report for at least one coliform bacteria sample collected within prior 30 days, and submitted to the Clerk. In areas where the Department of Natural Resources (DNR) has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.
 - (3) There shall be no cross-connections or interconnection between the well's pump installation or distribution piping and the municipal water system unless approved by the utility and DNR.
 - (4) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
 - (5) The private well shall have a functional pumping system or other complying means of withdrawing water.
 - (6) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

§ 275-22. Well filling-and-sealing procedures.

- A. All wells abandoned under the jurisdiction of this article shall be filled and sealed according to the procedures of § NR 812.26, Wisconsin Administrative Code.
- B. All well filling-and-sealing under jurisdiction of this article shall be performed by, or under the supervision of, a Certified Water System Operator employed by Village of Almena or by a Wisconsin licensed well driller or pump installer, per § 280.30, Wis. Stats.
- C. The owner of the well or the owner's agent may be required to obtain a well abandonment permit prior to any well abandonment and shall notify the Clerk at least 48 hours in advance of any well

abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.

- D. A well filling-and-sealing report form DNR No. 3300-005, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and to the Department of Natural Resources within 30 days of the completion of the well abandonment.

§ 275-23. Violations and penalties.

Any well owner violating any provision of this article shall upon conviction be punished by forfeiture of not less than \$50 nor more than \$500 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this article for more than 30 days after receiving written notice of the violation, the municipality 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.

§ 275-24. When effective.

The amendment of this article shall be effective upon passage and posting.

Article IV. Cross-Connection Control and Backflow Prevention

[Adopted 5-11-2012; amended 6-10-2014 by Ord. No. 2014-1 (§ 15.07 of the former Village Code)]

§ 275-25. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CROSS-CONNECTION

Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Almena's public water system and the other of which contains water from a private source, water of unknown or questionable safety, or steam, gasses, or chemicals, whereby there may be a flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems.

§ 275-26. Unprotected cross-connections prohibited.

No person, firm, or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross-connection. Cross-connections shall be protected as required in Ch. SPS 382, Wis. Adm. Code.

§ 275-27. Inspection.

The water utility may inspect, or arrange for an inspection of, property served by the public water system for cross-connections. The frequency of inspections shall be established by the water utility in accordance with Wisconsin Administrative Code. Any unprotected cross-connections identified by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross-connection shall be sufficient cause for the water utility to discontinue water service to the property, as provided under § 275-30 of this article.

§ 275-28. Right of entry.

Upon presentation of credentials, a representative of the water utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross-connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under § **275-30** of this article. If entry is refused, a special inspection warrant under § 66.0119 of the Wisconsin Statutes, may be obtained.

§ 275-29. Provision of requested information.

The water utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the water utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient cause for the water utility to discontinue water service to the property, as provided under § **275-30** of this article.

§ 275-30. Discontinuation of water for violation.

The water utility may discontinue water service to any property wherein any unprotected connection in violation of this article exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats., except as provided in § **275-31** of this article. Water service to such property shall not be restored until the unprotected cross-connection has been eliminated.

§ 275-31. Emergency discontinuance.

If it is determined by the water utility that an unprotected cross-connection or emergency endangers public health, safety, or welfare, and required immediate action, and if a written finding to that effect is filed with the Village Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross-connection has been eliminated.