

TITLE 9

Public Utilities

- | | |
|------------------|-------------------------------------|
| Chapter 1 | Water Utility Regulations and Rates |
| Chapter 2 | Sewer Utility Regulations and Rates |
| Chapter 3 | Cable Television |
| Chapter 4 | Miscellaneous Franchises |

5

6

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Title 9 ► Chapter 1

Water Utility Regulations and Rates

Article A Rates

9-1-1	Public Fire Protection Service—F-1
9-1-2	General Service—Metered—Mg-1
9-1-3	General Service — Suburban — Mg-2
9-1-4	General Water Service—Unmetered—Ug-1
9-1-5	Public Service—Mpa-1
9-1-6	Reconnection Charges—R-1
9-1-7	Building and Construction Water Service—Mz-1
9-1-8	Seasonal, Emergency or Temporary Service—Mgt-1
9-1-9	Additional Meter Rental Charge — Am-1
9-1-10	Non-Sufficient Funds Charge — NSF-1
9-1-11 through 9-1-19	Reserved for Future Use

Article B Rules and Regulations

9-1-20	Compliance with Rules
9-1-21	Establishment of Service
9-1-22	Service Contract
9-1-23	Temporary Metered Supply, Meter and Deposits
9-1-24	Water for Construction
9-1-25	Use of Hydrants
9-1-26	Operation of Valves and Hydrants; Unauthorized Use of Water; Penalty
9-1-27	Refunds of Monetary Deposits
9-1-28	Service Connections (or Water Laterals)
9-1-29	Service Piping for Meter Settings
9-1-30	Turning on Water
9-1-31	Failure to Read Meters
9-1-32	Complaint Meter Tests

9-1-33	Thawing Frozen Services
9-1-34	Curb Stop Boxes
9-1-35	Installation of Meters
9-1-36	Repairs to Meters
9-1-37	Replacement and Repair of Service Pipe
9-1-38	Charges for Water Wasted Due to Leaks
9-1-39	Inspection of Premises
9-1-40	Customer's Deposits
9-1-41	Conditions of Deposit
9-1-42	Guarantee Contracts
9-1-43	Deferred Payment Agreement
9-1-44	Disconnection and Refusal of Service
9-1-45	Collection of Overdue Bills
9-1-46	Surreptitious Use of Water
9-1-47	Vacation of Premises
9-1-48	Repairs to Mains
9-1-49	Duty of Utility with Respect to Safety of the Public
9-1-50	Handling Water Mains and Service Pipes in Sewer or Other Trenches
9-1-51	Protective Devices
9-1-52	Cross Connection Control
9-1-53	Private Well Abandonment
9-1-54	Water Main Installations in Platted Subdivisions

Article A: Rates

Sec. 9-1-1 Public Fire Protection Service—F-1.

- (a) The annual charge for public fire protection service to the Village of Livingston shall be Thirty-nine Thousand Five Hundred Forty Dollars (\$39,540.00).
- (b) The annual charge shall never be less than Thirty-nine Thousand Five Hundred Forty Dollars (\$39,540.00). For all extensions of fire protection service, a charge of forty cents (\$0.40) per lineal foot of main shall be charged per annum on the basis of the length of main put into use between hydrants placed, plus a charge of One Hundred Six Dollars (\$106.00) per net hydrant added to the system after the base period.
- (c) The above base annual charge of Thirty-nine Thousand Five Hundred Forty Dollars (\$39,540.00) includes an estimated twenty-six thousand eight hundred thirty-five (26,835) feet of transmission and distribution main, four (4) inch and larger, and thirty-nine (39) hydrants.
- (d) This service shall include 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.

Sec. 9-1-2 General Service—Metered—Mg-1.

(a) Monthly Service Charge:

5/8-inch meter -	\$	5.84
3/4-inch meter -	\$	5.84
1-inch meter -	\$	7.95
1-1/4-inch meter -	\$	10.61
1-1/2-inch meter -	\$	13.26
2-inch meter -	\$	26.12

(b) Plus Volume Charges:

\$2.20 per 1,000 gallons used each month

- (c) **Billing.** Bills for water service are rendered monthly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of one

percent (1%) will be added to bills not paid within twenty (20) days of issuance. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. 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 twenty (20) days after the bill is issued and unless payment or satisfactory arrangement for payment is made within the next ten (10) days, service may be disconnected pursuant to Ch. PSC 185, Wis. Adm. Code.

- (d) **Combined Metering.** Volumetric meter readings will be combined for billing if the utility *for its own convenience* places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are *not* considered for utility convenience and shall not be combined for billing. Meter readings from individually metered separate service laterals shall *not* be combined for billing purposes.

Sec. 9-1-3 General Service—Suburban—Mg-2.

Water customers residing outside the corporate limits of the Village of Livingston shall be billed at the regular rates for service (Schedule Mg-1) plus a twenty-five percent (25%) surcharge.

Sec. 9-1-4 General Water Service—Unmetered—Ug-1.

- (a) **Rate.** Where the utility cannot immediately install its water meter, service may be supplied temporarily on an unmetered basis. Such service shall be billed at the rate of the current regular minimum rate per month. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost of ten thousand (10,000) gallons of water per quarter under Schedule Mg-1. If it is determined by the utility that usage is in excess of ten thousand (10,000) gallons per quarter, an additional charge per Schedule Mg-1 will be made for the estimated additional usage.
- (b) **Billing.** Same as Schedule Mg-1.

Sec. 9-1-5 Public Service—Mpa-1.

- (a) Water service supplied to municipal buildings, schools, sewer treatment plants, etc., shall be metered and the regular metered service rates applied.
- (b) Water used on an intermittent basis for flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the Utility shall estimate the volume

of water used based on the pressure, size of opening and period of time water is allowed to be drawn. The estimated quantity used shall be billed at the rate of _____ per one thousand (1,000) gallons.

Sec. 9-1-6 Reconnection Charges—R-1.

	During Normal Business Hours	After Normal Business Hours
Reinstallation of meter, including valving at curb stop	\$ 20.00	\$ 25.00
Valve turned on at curb stop	\$ 15.00	\$ 20.00

Note: No charge for disconnection.

Billing: Same as Schedule Mg-1.

Sec. 9-1-7 Building and Construction Water Service—Mz-1.

- (a) For single-family and small commercial buildings, apply the Unmetered rate (Schedule Ug-1).
- (b) For large commercial, industrial, or multiple apartment buildings, a temporary metered installation shall be made and general metered rates (Schedule Mg-1) applied.

Sec. 9-1-8 Seasonal, Emergency or Temporary Service—Mgt-1.

- (a) Seasonal customers* shall pay an annual seasonal service charge equal to the applicable monthly service charge in Schedule Mg-1. Water use in any billing period shall be billed at the applicable volume rates in Schedule Mg-1 and the charge added to the annual seasonal service charge.
- (b) In addition, customers who have an additional meter pursuant to Schedule Am-1 shall also pay an annual seasonal rental charge equal to twelve (12) times the applicable additional meter rental charge in Schedule Am-1.
- (c) Further, if service has been disconnected or a meter removed, a charge under Schedule R-1 shall be applied at the time of reconnection or meter reinstallation.
- (d) Billing shall be as under Schedule Mg-1.

* Seasonal customers are general service customers whose use of water is normally for recurring periods of less than a year. This includes service under Schedule Mg-1 and/or Schedule Am-1.

Sec. 9-1-9 Additional Meter Rental Charge—Am-1.

- (a) If a customer requests the installation of an additional meter* to receive credit for clear water not discharged into the sanitary sewer system, or if a sewerage service customer who is not a customer of the water utility requests the installation of a meter to determine the volume of sewage discharged into the sanitary sewer system, the utility shall furnish and install this additional meter. This rate shall be applied only to single-family residential and small commercial customers. At the Utility's discretion, it may also be applied to other customers. A rental fee shall be charged for the use of this meter and the following rates shall apply:

5/8-inch meter	-	\$	1.32	per month plus \$2.20 per 1,000 gallons
3/4-inch meter	-	\$	1.32	per month plus \$2.20 per 1,000 gallons
1-inch meter	-	\$	2.33	per month
1-1/4-inch meter	-	\$	3.00	per month
1-1/2-inch meter	-	\$	3.66	per month

- (b) **Initial Meter Installation Charge.** Twenty Dollars (\$20.00).
(c) **Billing.** Same as in Schedule Mg-1.

* For this rate to apply, the additional meter must be installed on the same service lateral as the primary meter. For other configurations, Schedule Mg-1 applies.

Sec. 9-1-10 Non-Sufficient Funds Charge — Nsf-1.

- (a) **Charge.** A Twenty-five Dollar (\$25.00) charge will be applied to the customer's account when a check rendered for Utility service is returned for non-sufficient funds. This charge may not be in addition to, but may be inclusive of, other non-sufficient funds charges when the check was for payment of multiple services.
(b) **Billing.** Same as Schedule Mg-1.

Sec. 9-1-11 through Sec. 9-1-19 Reserved for Future Use.

Article B: Rules and Regulations

Sec. 9-1-20 Compliance with Rules.

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

Sec. 9-1-21 Establishment of Service.

- (a) Application for water service shall be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the supply pipe and meter desired. (Note particularly any special refrigeration and/or air-conditioning water-consuming appliances.
- (b) Service will be furnished only if:
 - (1) 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 property owner has agreed to and complied with the provisions of the utility's filed main extension rule.
 - (2) Property owner has installed or agrees to install a service pipe from the curb line to the point of use, and laid not less than six (6) feet below the surface of an established or proposed grade, and according to utility's specification, and
 - (3) Premises have adequate piping beyond 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 the other units. Each meter and meter connection will be a separate water utility customer for the purpose of the filed rules and regulations.
- (d) No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two (2) or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.
- (e) The Utility may withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

Sec. 9-1-22 Service Contract.

- (a) The minimum service contract period shall be *one (1) year* unless otherwise specified by special contract or in the applicable rate schedule. Where the Utility service has been

disconnected at the customer's request prior to expiration of his minimum contract period, a reconnection charge shall be made, payable in advance, when the customer requests reconnection of service. (See Schedule R-1 for applicable rate.) The minimum contract period is renewed with each reconnection.

- (b) A reconnection charge shall also be required from consumers whose services are disconnected (shut off at curb stop) because of non-payment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules). (See Schedule R-1 for applicable rate.)
- (c) A consumer shall be considered as the same consumer provided the reconnection is requested for the same location by any member of the same family, or if a place of business, by any partner or employee of the same business.

Sec. 9-1-23 Temporary Metered Supply, Meter and Deposits.

An applicant for temporary water supply 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.

Sec. 9-1-24 Water for Construction.

- (a) When water is requested for construction purposes, or for filling tanks or other such uses, an application therefor shall be made to the Utility, in writing, upon application provided for that purpose in the Utility's office, 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 shall be made in advance at the scheduled rates. The service pipe must be installed inside the building from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the Utility.
- (b) In no case will any employee of the utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the Utility, together with a statement of the actual amount of construction work performed.
- (c) Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the Department. Any consumer failing to comply with this provision will have water service discontinued.

Sec. 9-1-25 Use of Hydrants.

- (a) In cases where no other supply is available, permission may be granted by the Utility to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. In no case shall any valve be moved except by a member of the Utility.

- (b) Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Where applicable, see Schedule H-1 for deposits and charges. Upon completing use of the hydrant, the customer must notify the Utility to that effect.
- (c) In the use of a hydrant supply, the hydrant valve will be set at the proper opening by the Utility when the sprinkling valve is set, and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron pipe connections, all such pipe installations shall have the swing joint to facilitate quick disconnection from the fire hydrant.

Sec. 9-1-26 Operation of Valves and Hydrants; Unauthorized Use of Water; Penalty.

Any person who shall, without authority of the 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 ordinances. Permits for the use of hydrants apply only to such hydrants as are designated for the specific use.

Sec. 9-1-27 Refunds of Monetary Deposits.

All moneys deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, or for the return of a sprinkling valve wheel or reducer, if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the wheel and reducer.

Sec. 9-1-28 Service Connections (or Water Laterals).

- (a) No water service 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 pipe, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Utility. Service pipes 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 pipe and channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material, and made impervious to moisture.

- (b) In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six (6) inches over the pipe.
- (c) All water supplies shall be of undiminished size from the street main in to 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 water supply for the greatest probable number of fixtures or appliances operating simultaneously.

Sec. 9-1-29 Service Piping for Meter Settings.

- (a) 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 expense shall provide a suitable location and the proper connections for the meter. The water utility should be consulted as to the type and size of meter setting. Where it is possible to set meters in the basement, or other suitable place within the building, a short nipple shall be inserted after the stop and waste cock, then a union, and then another nipple and coupling of the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the Utility (it may require a horizontal run of eighteen (18) inches in such pipe line) which may later be removed for the insertion of the meter into the supply line.
- (b) No permit will be given to change from metered to flat rate service.

Sec. 9-1-30 Turning on Water.

The water cannot be turned on for a consumer except by a duly authorized employee of the utility. When a plumber has completed a job, he must leave the water turned off. This does not prevent the plumber from testing the work.

Sec. 9-1-31 Failure to Read Meters.

- (a) Where the utility is unable to read a meter after two (2) successive attempts, 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 quarter 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 minimum bill paid the preceding month. Only in unusual cases, or when approval is obtained from the customer shall more than three (3) consecutive estimated bills

be rendered where billed are rendered monthly and there shall be not more than two (2) consecutive estimated bills where the billing period is two (2) months or more.

- (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 employed, the bill will be estimated by some equitable method.

Sec. 9-1-32 Complaint Meter Tests.

See Wis. Adm. Code, Chapter PSC 185.

Sec. 9-1-33 Thawing Frozen Services.

See Wis. Adm. Code, Chapter PSC 185.

Sec. 9-1-34 Curb Stop Boxes.

The consumer shall protect the curb stop box in the terrace and shall keep the same free from dirt and other obstructions. The utility shall not be liable for failure to locate the curb stop box and shut off the water in case of a leak on the consumer's premises.

Sec. 9-1-35 Installation of Meters.

Meters will be furnished and placed by the utility and are not to be disconnected or tampered with by the consumer. All meters shall be so located that they shall be protected from obstructions and permit ready access thereto for reading, inspection, and servicing, such location to be designated or approved by the Utility. All piping within the building must be supplied by the consumer. Where additional meters are desired by the consumer, he shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation. Where applicable, see Schedule Am-1 for rate.

Sec. 9-1-36 Repairs to Meters.

- (a) Meters will be repaired by the water department and the cost of such repairs caused by ordinary wear and tear will be borne by the utility.

- (b) Repair of any damage to a meter resulting from the carelessness of the owner of the premises, his 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 injured from the presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises.

Sec. 9-1-37 Replacement and Repair of Service Pipe.

- (a) Where the property owner requests that a larger service lateral be installed to replace an existing smaller diameter pipe, an allowance of Fifteen Dollars (\$15.00) will be made as a deduction in the cost, providing the new service is to be installed in the same ditch as the existing service pipe.
- (b) The service pipe 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 utility. The property owner shall maintain the service pipe from the curb stop to the point of use.
- (c) If a consumer fails to repair a leaking or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the Utility after notification has been served on the consumer by the Utility, the water will be shut off and will not be turned on again until the repairs have been completed.

Sec. 9-1-38 Charges for Water Wasted Due to Leaks.

See Wis. Adm. Code, Chapter PSC 185.

Sec. 9-1-39 Inspection of Premises.

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

Sec. 9-1-40 Customer's Deposit.

See Wis. Adm. Code, Chapter PSC 185.

Sec. 9-1-41 Conditions of Deposit.

See Wis. Adm. Code, Chapter PSC 185.

Sec. 9-1-42 Guarantee Contracts.

See Wis. Adm. Code, Chapter 185.

Sec. 9-1-43 Deferred Payment Agreement.

See Wis. Adm. Code, Chapter 185.

Sec. 9-1-44 Disconnection and Refusal of Service.

- (a) **Disconnection.** See Wis. Adm. Code Chapter PSC 185.
- (b) **Disconnection Notice.** The form of disconnection notice to be used is as follows:

DISCONNECTION NOTICE

Dear Customer:

The bill enclosed with this notice includes your current charge for utility service and your previous unpaid balance.

You have 10 days to pay the utility service arrears or your service is subject to disconnection.

If you fail to pay the service arrears, or fail to contact us within the 10 days allowed to make reasonable time payment arrangements, we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) reconnection, **we urge you to pay the full arrears IMMEDIATELY AT ONE OF OUR OFFICES.**

If you have entered into a Deferred Payment Agreement with us and have failed to make the time payment you agreed to, your service will be subject to disconnection unless you pay the amount due within 10 days.

If you have a reason for delaying the payment, call us and explain the situation.

PLEASE CALL THIS TELEPHONE NUMBER, (appropriate telephone number), **IMMEDIATELY IF:**

1. You dispute the notice of delinquent account.
2. You have a question about your utility service arrears.
3. You are unable to pay the full amount of the bill and are willing to enter into a time payment agreement with us.
4. There are any circumstances you think should be taken into consideration before service is discontinued.
5. Any resident is seriously ill.

Illness Provision

If there is an existing medical emergency in your home and you furnish the Utility with a statement signed by either a licensed Wisconsin physician, or a public health official, we will delay disconnection of service up to 21 days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.

Deferred Payment Agreements

If you are a residential customer, and for some reason, you are unable to pay the full amount of the utility service arrears on your bill, you may contact the Utility to discuss arrangements to pay the arrears over an extended period of time.

This time payment agreement will require:

1. Payment of a reasonable amount at the time the agreement is made.
2. Payment of the remainder of the outstanding balance in monthly installments over a reasonable length of time.
3. Payment of all future utility service bills in full by the due date.

In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our utility, you may make an appeal to the Wisconsin Public Service Commission, Madison, Wisconsin.

(UTILITY NAME)

Sec. 9-1-45 Collection of Overdue Bills.

An amount owed by the customer may be levied as a tax as provided in Sec. 66.0069, Wis. Stats.

Sec. 9-1-46 Surreptitious Use of Water.

- (a) When the utility has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered to his equipment, the utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference and such bill shall be payable subject to a twenty-four (24) hours disconnection of service. When the utility shall have disconnected the consumer for any such reason, the utility will reconnect the consumer upon the following conditions:
- (1) The consumer will be required to deposit with the utility an amount sufficient to guarantee the payment of the consumer's bills for utility service to the utility.
 - (2) The consumer will be required to pay the utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
 - (3) The consumer must further agree to comply with reasonable requirements to protect the utility against further losses.
- (b) Sections 98.26 and 943.20, Wisconsin Statutes, as relating to water service, are hereby adopted and made a part of these rules.

Sec. 9-1-47 Vacation of Premises.

When premises are to be vacated, the utility shall be notified in writing at once, so that it may remove the meter and shut off the supply at the curb stop. The owner of the premises shall be liable to prosecution for any damage to the property of the water department by reason of failure to notify the utility of vacancy.

Sec. 9-1-48 Repairs to Mains.

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

Sec. 9-1-49 Duty of Utility with Respect to Safety of the Public.

It shall be the duty of the Utility to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle and at night there

shall be displayed amber signal light in such manner as will, so far as possible, insure the safety of the public.

Sec. 9-1-50 Handling Water Mains and Service Pipes in Sewer or Other Trenches.

Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractors must at their own expense cause them to be replaced or repaired at once. Contractors must not shut off the water service pipes from any consumer for a period exceeding six (6) hours.

Sec. 9-1-51 Protective Devices.

- (a) **Protective Devices in General.** The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply, and all appliances thereof, against damage arising in any manner from the use of the 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 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 the piping of their own or adjacent premises.
- (b) **Relief Valves.** On all "closed systems" (i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener) an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. A one-half (1/2) inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain through an air gap. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. (See applicable Village plumbing codes).
- (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 have a diameter not less than that of the pipe it serves and a length not less than fifteen (15) diameters of said supply pipe. Where possible, the air chamber should be provided at its base with a valve and rain cock for water drainage and replenishment of air.

Sec. 9-1-52 Cross Connection Control.

- (a) **Definition.** A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the

Village water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

- (b) **Cross Connections Prohibited.** No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the Village may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Water Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 111.25(3), Wisconsin Administrative Code.
- (c) **Inspections.** It shall be the duty of the Water Utility to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Water Utility and as approved by the Wisconsin Department of Natural Resources.
- (d) **Right to Inspect.** Upon presentation of credentials, the representative of the Water Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Village for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.
- (e) **Discontinuation of Service.** The Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., except as provided in Subsection (f). Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this Section.
- (f) **Immediate Discontinuation.** If it is determined by the Water Utility that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Village Clerk-Treasurer and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Stats., within ten (10) days of such emergency discontinuance.
- (g) **State Code Adopted.** The Village adopts by reference the State Plumbing Code of Wisconsin being Chapter H 82, Wisconsin Administrative Code.

- (h) **Section Not to Supersede Other Ordinances.** This Section does not supersede the State Plumbing Code and any Village plumbing ordinances but it supplementary to them.

Sec. 9-1-53 Private Well Abandonment.

- (a) **Purpose.** The purpose of this Section is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.
- (b) **Applicability.** This Section applies to all wells located on any premises served by the Village of Livingston Water Utility.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Municipal Water System.** A system for the provision to the public of piped water for human consumption when such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) year-round residents owned or operated by a city, village, county, town, town sanitary district, utility district or public institution as defined in Sec. 49.10(12)(f)1., Wis. Stats, or a privately owned water utility serving any of the above.
 - (2) **Noncomplying.** A well or pump installation which does not comply with the provisions of Ch. NR 812.42, Wis. Adm. Code, in effect at the time the well was constructed, and which has not been granted a variance pursuant to NR 812.43, Wis. Adm. Code.
 - (3) **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.
 - (4) **Unsafe.** A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of NR 140 or 809, Wis. Adm. Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
 - (5) **Unused.** A well or pump installation which is not in use or does not have a functional pumping system.
 - (6) **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.
 - (7) **Well Abandonment.** The filling and sealing of a well according to the provisions of Ch. NR 812.26, Wis. Adm. Code.
- (d) **Abandonment Required.** All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this Section and Ch. NR 812, Wis. Adm. Code or no later than one (1) year from the date of connection to the municipal

water system becomes available, whichever occurs last, unless a well operation permit has been obtained by the well owner from the Village of Livingston Water Utility.

(e) **Abandonment Procedures.**

- (1) All wells abandoned under the jurisdiction of this Section or rule shall be abandoned according to the procedures and methods of Ch. NR 812.26, 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.
- (2) The owner of the well, or the owner's agent, shall notify the Clerk-Treasurer at least forty-eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by Utilities Superintendent or his/her agent.
- (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk-Treasurer and the Department of Natural Resources within ten (10) days of the completion of the well abandonment.

(f) **Penalties.** Any person, firm, or well owner, violating any provision of this Section shall, upon conviction, be punished by forfeiture as prescribed in Section 1-1-6, and the cost of prosecution. Each twenty-four (24) hour period during which a violation exists shall be deemed and constitute a separate offense. If any person fails to comply with this Section for more than ten (10) 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.

Sec. 9-1-54 Water Main Installations in Platted Subdivision.

- (a) Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the Village Clerk-Treasurer and shall set forth the following information:
- (1) Name of subdivision.
 - (2) Legal description.
 - (3) Map showing streets, lots and sizes of proposed mains and hydrants, and street laterals.
 - (4) Date of approval of subdivision plan by state Department of Commerce.
 - (5) Date of approval of proposed mains by state Department of Natural Resources.
 - (6) Number of houses presently under construction.
- (b) Upon receipt of the application, the water utility will prepare detailed estimates of the cost of extending water mains and hydrants of the size deemed necessary in the subdivision and submit same to the Village Board for approval of the extension as it pertains to public fire protection service requirements.
- (c) The applicant for water service to be supplied to a subdivision 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 thirty (30) days. If final costs are less than estimated, a refund of overpayment will be made by the water utility.

- (d) 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.

Title 9 ► Chapter 2

Sewer Utility Regulations and Rates

9-2-1	Authority
9-2-2	Title; Purpose
9-2-3	Definitions
9-2-4	Use of the Public Sewers; Prohibited Discharges
9-2-5	Pretreatment
9-2-6	Service of Outlying Territory
9-2-7	Construction of Sewers
9-2-8	Septic Tank Haulers
9-2-9	Sewer User Classifications
9-2-10	Conditions of Discharge
9-2-11	Damaging or Tampering with Sewage Works
9-2-12	Violations and Penalties
9-2-13	Discharge Permits
9-2-14	Wastewater Treatment Charges
9-2-15	Wastewater Treatment Plant Billing
9-2-16	Debt Service
9-2-17	Accounting

Sec. 9-2-1 Authority.

This Chapter is adopted under the authority granted by Sections 62.18, 62.185 and 62.19, Wis. Stats.

Sec. 9-2-2 Title; Purpose.

- (a) **Title.** This Chapter shall be known as, referred to and cited as the "User Charge and Sewer Use Ordinance for the Village of Livingston, State of Wisconsin," and hereinafter referred to as the "Chapter".
- (b) **Findings and Declaration of Policy.** The Village of Livingston hereby finds that the requirements for the issuance of State grants and the acceptance of such grants by the Village of Livingston for the construction of wastewater treatment works establish:

- (1) The necessity of adopting a user charge system that would be proportionate to all classes of users and produce the revenue required to sustain the sewage collection and waste treatment system;
- (2) The necessity of enacting regulations that control the use and inflow into wastewater treatment works.
- (c) **Purpose and Intent.** The purpose of the Chapter is to promote the public health, safety, prosperity, aesthetics, and general welfare of the citizens of the Village of Livingston. It is further intended to provide for administration and enforcement of the Chapter and to provide penalties for its violations.
- (d) **Abrogation and Greater Restrictions.** It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.
- (e) **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Statutes of the State of Wisconsin.

Sec. 9-2-3 Definitions.

- (a) The following definitions shall be applicable in this Chapter:
 - (1) **Approving Authority.** The Village Board of the Village of Livingston. "Village" shall mean Village of Livingston.
 - (2) **BOD.** The quantitative determination of five (5) day BOD made in accordance with the latest edition of "Standard Methods".
 - (3) **Billable BOD.** Billable Biochemical Oxygen Demand (BOD) shall mean a user's loading in pounds of BOD calculated using the billable flow and concentration of BOD in the waste as determined by the Sewer Committee. Minimum waste strength of BOD shall be the domestic waste concentration of three hundred (300) milligrams per liter for the purpose of billing for user charges.
 - (4) **Billable Flow.** A monitored sewage flow or a user's recorded quarterly water usage as metered by the appropriate water utility, plus metered water from wells and other sources and less any sewer-exempt metered data. Residential users on unmetered wells and users with no history of billable flow shall have their billable flow estimated by averaging the billable flow of other residential users of the same class.
 - (5) **Billable Suspended Solids (SS).** A user's loading in pounds of SS calculated using the billable flow and concentration of SS in the waste as determined by the Sewer Committee. Minimum waste strength of SS shall be the domestic waste concentration of three hundred (300) milligrams per liter for the purpose of billing for user charges.

- (6) **Building Sewer.** The extension from the building drain to the public sewer or other place of disposal and conveys only sanitary or industrial sewage. This is also known as a "house connection".
- (7) **Class of Users.** The division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional or industrial.
- (8) **Collection Sewers.** The sanitary sewer and manholes maintained by the Village of Livingston.
- (9) **Depreciation.** The annual cost reflecting capital consumption.
- (10) **Easement.** An acquired legal right to install and maintain a portion of the sewer system.
- (11) **Floatable Oil.** Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Village.
- (12) **Force Main.** The discharge line from any lift station maintained by the Village of Livingston.
- (13) **Garbage.** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the commercial handling, storage and sale of produce.
- (14) **Ground Garbage.** The residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in dimension.
- (15) **Infiltration.** The water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the found through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.
- (16) **Inflow.** The water discharge into the sanitary sewer system, including building drains and sewers, from such sources, as, but not limited to: roof leaders; cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers and/or combined sewers; catch basins, storm s/waters; surface runoff; street wash waters, or drainage. Inflow does not include, and is distinguishable from, infiltration.
- (17) **Operation and Maintenance Costs.** All costs, direct and indirect, not including debt service but inclusive of expenditures attributable to administration, replacement of equipment; and treatment and collection for wastewaters, necessary to insure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long term facility management.
- (18) **pH.** The term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.

- (19) **Pretreatment.** The treatment of industrial sewage from privately-owned industrial sources by the generator of that source prior to introduction of the waste effluent into a publicly-owned works.
- (20) **Replacement Costs.** The expenditures for obtaining and installing equipment, accessories, or appurtenances necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (21) **Sanitary Sewer.** A sewer which carries only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants, and institutions and to which storm, surface, and groundwater are not intentionally admitted.
- (22) **Sewage.** The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow.
 - a. "Sanitary Sewage" shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.
 - b. "Industrial Sewage" shall mean a combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and polluted cooling water.
 - c. "Combined Sewage" shall mean wastes, including sanitary sewage, industrial sewage, stormwater, infiltration, and inflow carried to the wastewater treatment facilities by a combined sewer.
- (23) **Shall.** Shall is mandatory; "May" is permissible.
- (24) **Slug.** Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (25) **Standard Methods.** The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Associations.
- (26) **Storm Sewer.** A sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes.
- (27) **Suspended Solids.** Solids that either float to the surface of, or are in suspension in, water, sewage, or industrial waste, 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".
- (28) **Toxic Amount.** Concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such

- as cancer, genetic mutations, and physiological manifestations, as defined in standard issued pursuant to Section 307(a) of Public law 92-500 as amended.
- (29) **User Charge System.** The system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities.
 - (30) **Wastewater.** "Wastewater" shall be synonymous with sewage and shall mean the water carried human, animal and household wastes in a public or private drain, and may included groundwater infiltration, surface drainage and industrial wastes.
 - (31) **Wastewater Treatment Plant.** The structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids.

Sec. 9-2-4 Use of the Public Sewers; Prohibited Discharges.

- (a) **Sanitary Sewers.** No person shall cause to be discharged any storm water, surface drainage, subsurface drainage, groundwater, roof runoff, cooling water or unpolluted water into any sanitary sewer.
- (b) **Storm Sewers.** Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Approving Authority. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Approving Authority, to a storm sewer or natural outlet. Such approval is subject to review by the Department of Natural Resources, Division of Environmental Protection of the State of Wisconsin.
- (c) **Prohibitions and Limitations.** Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or waste to any public sewer.
 - (1) Any gasoline, benzine, naptha, fuel oil, or other flammable or explosive liquids, solids, or gases.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the Wastewater Treatment Plant.
 - (3) Any waters or wastes having a pH lower than six (6.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the Wastewater Treatment Plant.
 - (4) Any waters or wastes having a pH in excess of nine (9.0).
 - (5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal,

glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

- (6) No person shall discharge or cause to be discharged the following substances, materials, waters or wastes described in Subsection (d) below if it appears likely in the opinion of the Approving Authority that such wastes can harm either the sewers, sewage treatment plant or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, property or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Approving Authority will give consideration to such factors as the quantities or subject wastes in relation to flows and velocities in sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the Wastewater Treatment Plant, and other pertinent factors.
- (d) **Specific Prohibited Substances.** The substances prohibited are:
 - (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F).
 - (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) and two hundred fifty degrees (250°).
 - (3) Any commercial garbage that has not been properly shredded. The installation and operation of any commercial grinder equipped with a motor of one (1) horsepower or greater shall be subject to the review and approval of the Approving Authority.
 - (4) Any waters or wastes containing iron, copper, zinc, and similar objectionable or toxic substances; or wastes exerting and excessive chlorine requirement, to such a degree that any such material discharged in the composite sewage to the sewer exceeds limits established by the Approving Authority for such materials.
 - (5) Any waters or wastes discharged to the sewer containing over 0.1 mg/l hexavalent chromium per twenty-four (24) hour composite.
 - (6) Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the Approving Authority as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
 - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with State or Federal Regulations.
 - (8) Materials which exert or cause:
 - a. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the Wastewater Treatment Plant. Materials such as milk, whey, blood, molasses, sugar, milk products.

- b. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- c. Unusual concentration of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
- d. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
- e. Waters 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 Department of Environmental Protection of the State of Wisconsin.

(9) Any amount of the following constitutes exceeding that listing below:

	<i>mg/l</i>		<i>mg/l</i>
Aluminum	800.0	Cyanide	1.2
Arsenic	0.25	Fluorides	2.5
Barium	2.0	Iron, total	56.0
Boron	1.0	Lead	1.5
Cadmium		2.0	Manganese 1.0
Chlorides	700.0	Mercury	0.0005
Chromium total	21.8	Nickel	6.7
Chromium (Hexavalent)	3.6	Phenols	0.3
Copper	17.6	Selenium	1.0
		Silver	0.1
	Total Dissolved Solids		1500.00
	Zinc		16.5

Ammonia nitrogen in such an amount as would cause the plant to be in noncompliance with regulations of the State of Wisconsin Department of Natural Resources.

Sec. 9-2-5 Pretreatment.

- (a) The Approving Authority may require a user to eliminate his waste discharges or pretreat to a level acceptable to the authority.
- (b) Pretreatment may involve the following:
 - (1) Grease and oil sand retainers.
 - (2) Rate of discharge control.

- (3) Equalization or neutralization.
- (4) Flow measurement.
- (5) Sampling equipment and manholes.
- (6) Manhole connection to sewer main.
- (7) Mechanical pretreatment units for removal of BOD, S.S., oil, grease, solids, etc.
- (c) All costs for pretreatment including installation, operation, and maintenance shall be the responsibility of the user.
- (d) No preliminary treatment plant and facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance shall conform to all Village, State, Wisconsin Department of Natural Resources, and any other local, state, or federal agency regulations, and unless written approval of the plans, specifications, technical operating data, and sludge disposal has been obtained from State of Wisconsin Department of Natural Resources, and any other local, State or Federal Agency have regulatory authority with respect thereto.
- (e) All such preliminary treatment facilities as required by this Chapter shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby, and at the user's expense.
- (f) No provision contained in this Chapter shall be construed to prevent or prohibit a separate or special contract or agreement between the Village and industrial user whereby industrial waste and material of unusual strength, character, or composition may be accepted by the Village for treatment, subject to additional payment therefore by the industrial user; provided, however, that such contract or agreement shall have the prior approval of the Village and also provided User Charges are proportional to costs of providing the service.
- (g) The Village reserves the right to reject admission to the system of any waste harmful to the treatment or collection facilities or to the receiving stream.

Sec. 9-2-6 Service of Outlying Territory.

- (a) The Approving Authority may allow service of sanitary sewer to areas outside the corporate limits upon resolution from the Board.
- (b) Users outside of the limits shall comply with all segments of this Chapter.
- (c) All costs for extension shall be born by the user.
- (d) The sewer rate shall be one (1.00) times the rate of the Village and shall include all costs for debt retirement and O & M costs.
- (e) Each user shall install a water meter on every water line contributing to the wastewater flows or provide a metering system to monitor wastewater flow. This cost for installation shall be born by the User and the meter installation be approved by the Village.
- (f) The user shall give the Village the right to inspect the meter installation at arrayed times and the right to read the meter. The meter shall be of the same brand currently used by the Village and have a remote reader.

Sec. 9-2-7 Construction of Sewers.

- (a) No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Approving Authority.
- (b) The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority.
- (c) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulation of the Village, or the procedures set forth in appropriate specification of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.
- (d) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (e) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- (f) All excavations for the buildings sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.
- (g) The cost for installation, maintenance, and cleaning of the building sewer shall be the responsibility of the property owner.
- (h) Old building sewers may not be used in connection with new buildings unless they are found, on examination and test by the Approving Authority, to meet all requirements for this Chapter.
- (i) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources or surface runoff of groundwater to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer.
- (j) A public sewer constructed by a property owner, developer shall conform to Village Specifications.
- (k) All costs for sewer extensions shall be the responsibility of the owner, developer. The contractors shall have performance and payment bonds in the amount of one hundred

percent (100%) of the contract payable to the Village prior to starting construction. The Village will assume responsibility following written acceptance of the public sewer.

- (l) Construction permits shall not be issued unless it has been determined by the Approving Authority that there is capacity available in all downstream sewage facilities.
- (m) In existing subdivisions or platted lots, the Village will connect the building sewer to the sanitary sewer and extend the building sewer to the property line. This is limited to a maximum length of sixty (60) feet. The sewer connection fee will be a minimum of Two Hundred Forty Dollars (\$240.00) with an additional assessment of One Dollar (\$1.00) per lineal foot for lots in excess of one hundred twenty (120) lineal feet.
- (n) Unmetered residential users shall pay the minimum fee of Twenty-five Dollars (\$25.00). This minimum may be changed by the Board if usage appears to be greater than five thousand (5,000) gallons.

Sec. 9-2-8 Septic Tank Haulers.

Liquid wastes hauled to the treatment plant containing concentration of constituents in excess of the limits set forth in this Chapter shall not be accepted.

Sec. 9-2-9 Sewer User Classification.

The sewer users are classified under this Chapter into the following Classifications; classifications of each user are established by the Approving Authority.

(a) **Residential.**

- (1) **Definition.** "Residential users" shall mean for the purpose of the user charge system a year whose premises or building is used primarily as a domicile for single or multi-family and whose wastewaters are generated from normal domestic living activities.
- (2) **Typical Users.** Single family residence, duplex, multi-family housing without central cooking.
- (3) **Pollutant Concentrations.**
 - BOD 300 mg/l
 - S.S. 300 mg/l
 - Minimum usage — 5,000 gal./qtr.

(b) **Commercial.**

- (1) **Definition.** Commercial users shall mean for the purpose of the user charge system, a user engaged in the purchase or sale of goods, services or any business transactions whose wastewaters generated are more than typical domestic sewage.
- (2) **Typical Users.** Service stations, laundry, car wash, butcher shop, restaurant, motel, hotel, grocery store, feed mills.

- (3) **Pollutant Concentrations.**
BOD 300 mg/l
S.S. 300 mg/l
Minimum usage — 5,000 gal./qtr.
- (c) **Institutional.**
 - (1) **Definition.** "Institutional users" shall mean for the purpose of the user charge system, a sewer whose wastewaters are generated from institutional activities.
 - (2) **Typical Users.** Hospital, nursing homes, schools.
 - (3) **Pollutant Concentrations.**
BOD 300 mg/l
S.S. 300 mg/l
Minimum usage — 5,000 gal./qtr.
- (d) **Industrial.**
 - (1) **Definition.** "Industrial user" shall mean for the purpose of the user charge system, any user whose wastewaters are generated from the production of products from materials or material handling.
 - (2) **Typical Users.** Factory, slaughter house, milk transfer, cheese factory.
 - (3) **Pollutant Concentration.** To be established by the Approving Authority.
- (e) **Significant Industrial Users.**
 - (1) "Significant industrial users" are those users whose wastewater generations exceed ten percent (10%) of the design flow, design BOD or design suspended solids loading for the plant more than ten (10) times per year, or have a wastewater that has a detrimental effect on the plant operation and performance. The Significant Industrial User will be required to acquire a discharge permit, monitor their discharges for flow, BOD, SS, and any other parameter established by the Approving Authority. Each user is listed below along with wastewater treatment allotments. If a Significant Industrial User exceeds the allocation allotment, he/she shall be charged as detailed in this Chapter.
 - (2) Penalties for exceeding the allotments by the listed Significant Industrial Users shall not be less than five (5) times the rate for each parameter.
 - (3) Penalties will be assessed for each day the allotments were exceeded (week if samples are collected weekly).
 - (4) If allotments are exceeded more than five (5) days per month, the Approving Authority shall determine if the discharge permit be revoked.
 - (5) The Village reserves the right to inspect the monitoring equipment, sampling equipment, holding tank, etc. as to assure compliance with the permit. The Village also reserves the right at any time to split wastewater samples with the permit holder to compare values of BOD5 suspended solids or any other parameter listed in the permit. The Village value will govern in case of any discrepancy.

Sec. 9-2-10 Conditions for Discharge.

- (a) **Wastes Requiring Prior Review.** Review and acceptance of the Approving Authority shall be obtained prior to the discharge into the public sewers of any waters or wastes having:
 - (1) A BOD greater than three hundred (300) mg/l, or
 - (2) A suspended solids concentration greater than three hundred (300) mg/l, or
 - (3) A chlorine requirement greater than twenty-five (25) mg/l.
- (b) **Waste Report.** Within three (3) months after original passage of this Chapter, significant industrial users who discharged industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater treatment plant.
- (c) **New Connections; Report.** Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.
- (d) **Reporting Time Extension.** When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed, a request for extension of time may be presented for consideration to the Approving Authority.
- (e) **Control Manholes.**
 - (1) Each person discharging industrial wastes into a public sewer shall construct and maintain one (1) or more control manholes or access points to facility observations, measurement and sampling of his wastes, including domestic sewage.
 - (2) Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed they shall be of a type acceptable to the Approving Authority.
 - (3) Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him/her so as to be in safe condition, accessible and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority prior to the beginning of construction.
- (f) **Metering.** The volume of flow used for computing industrial waste surcharges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the Water Department of flow recording data.
- (g) **Alternatives to Metering.** Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation such meter may not be removed without the consent of the Approving Authority.

(h) **Waste Sampling.**

- (1) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determinations shall be made as often as may be deemed necessary by the Approving Authority.
- (2) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.
- (3) Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to insure their preservation in a state comparable to that at the time the sample was taken.

(i) **Waste Analysis Standards.**

- (1) Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods". However, alternate methods for certain analysis of industrial wastes may be used subject to mutual agreement between the Approving Authority and the person.
- (2) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or his/her agent, as designated and required by the Approving Authority. The Village may also make its own analysis on the wastes and these determinations shall be binding as a basis for charges.

(j) **Actions of Approving Authority When Deleterious Waste Received.** If any waters or wastes are discharged, or proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics which in the judgment of the Approving Authority, may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Approving Authority may:

- (1) Reject the wastes.
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers.

Sec. 9-2-11 Damaging or Tempering with Sewage Works.

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

Sec. 9-2-12 Violations and Penalties.

- (a) **Written Notice of Violation.** Any person found to be violating any provision of this Section 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.
- (b) **Continued Violations.** Any person, partnership, or corporation, or any officer, agent or employee thereof, who shall continue any violation beyond the aforesaid notice time limit be subject to a forfeiture as provided in Section 1-1-6, provided shall upon conviction thereof, together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the County Jail for a period not to exceed thirty (30) days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.
- (c) **Liability to Village for Losses.** Any person violating any provisions of this Chapter 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.
- (d) **Differences of Opinion.** The Approving Authority shall arbitrate differences between the Approving Authority and sewer users on matters concerning interpretation and execution of the provisions of this Chapter by the Approving Authority.

Sec. 9-2-13 Discharge Permits.

- (a) The Village reserves the right to require a discharge permit from commercial or industrial users of the sewer, and, if the Village does exercise the option, commercial or industrial users shall not discharge to a sewer without having first applied for and obtained a permit from the Village. Upon official notification from the Village, each commercial or industrial user presently discharging material to the sewer shall apply for and obtain such a discharge permit within ninety (90) days from the date of such notification.
- (b) Commercial and industrial classification codes set forth in the "Standard Industrial Classification Manual", 1972 Edition, as amended and supplemented, are adopted by the Village as the basis for the issuance of discharge permits for building connections to a sewer.
- (c) The application for a discharge permit shall be made on a form provided for that purpose by the Village, and shall be fully completed under oath by the property owner, user, or a

duly authorized and knowledgeable officer, agent, or representative thereof, and acknowledged. If requested, the person making application shall also submit such scientific or testing data, or other information as may be required by the Engineer of the Village. The Approving Authority shall also have at his discretion, the right to personally inspect the premises, equipment and material, and laboratory testing facilities of the applicant.

- (d) No fee shall be charged for a discharge application permit.
- (e) No discharge permit shall be issued by the Village to any person whose discharge of material to sewers, whether shown upon the application or determined after inspection and testing conducted by the Approving Authority, is not in conformance with Federal, State or Village statutes, ordinances, rules and regulations, unless a waiver or variance of such standard and requirements is granted by the Village of Livingston in the manner hereinafter set forth. The Village of Livingston shall state in writing the reason or reasons for denial or requirement for waiver-variance and said written communication shall be mailed or personally delivered to the applicant within five (5) days after denial.
- (f) In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted such permit previously shall make a new application to the Village, in the same manner and form as originally made.
- (g) If the applications for a new permit or for one because of change in the type or volume of material discharge is denied by the Village of Livingston, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of this Chapter, and a waiver or variance is required, the user may have the Approving Authority review the denial or may request waiver—variance, provided the user shall give written notice of his request within thirty (30) days after receiving the denial. The Approving Authority shall review the permit application, the written denial, and such other evidence and matters as the applicant and Approving Authority shall present at its next regular meeting following receipt of request for its review, and the decision of the Approving Authority rendered publicly at said meeting shall be final.
- (h) Should any discharge of material to a sewer materially and substantially differ in type and volume than shown in the application and permit, the person and user shall immediately, upon order of the Approving Authority, cease and desist from such discharge and shall also be subject to disconnection, fine and other penalties provided by this Chapter.
- (i) A grant is waiver or variance by the Village may set forth such conditions, exceptions, time limitations, durations, and expirations as the Village deems necessary and proper.

Sec. 9-2-14 Wastewater Treatment Charges.

- (a) **All Users.** The basic wastewater treatment bill to be paid by all users shall consist of user charges for operation, maintenance, and replacement, using the unit charges from this

Section, and user charges for billing and collection. The unit charges shall be applied to user's billable flow, BOD, and SS, respectively.

- (1) The Village will maintain the proportionate distribution of operation, maintenance and replacement cost amongst user classes.
- (2) The Village will generate sufficient revenues to pay the operation, maintenance and replacement cost.
- (3) The Village will apply excess revenue collected from a user class to operation, maintenance and replacement cost attributable to that class for the next year.
- (4) Users discharging toxic pollutants shall pay for any increased operation, maintenance and replacement cost caused by the toxic pollutant.
- (5) Users will be notified annually of proportion of user charges attributed to the wastewater treatment services.
- (6) The user charge system shall take precedence over pre-existing agreements inconsistent with the governing regulations of this program.

(b) **Industrial and Commercial Users.**

- (1) In addition to the basic wastewater treatment bill described to the Chapter for the user charge system, wastewater treatment bills for industrial and commercial users shall consist of industrial waste monitoring charges as described in this Chapter.
- (2) The Village shall periodically sample and analyze wastes from significant users in each industrial and commercial user classification to determine the BOD and SS strengths of the wastes and these results shall be used as representative of wastes from all users in that classification for billing purposes unless the user's waste is classified by the Approving Authority as having special problems. At the request of the user, samples shall be made and analyzed on the same frequency as samples for the user's classification, and that analysis shall be used as typical of that particular user's waste for billing purposes. Significant industries with wastes classified by the Approving Authority as having special problems shall install at the industry's own cost a structure located on the building service line with flow measurement and sampling devices as required by the Approving Authority to obtain exact information about the waste.

Sec. 9-2-15 Wastewater Treatment Plant Billing

- (a) **Billing Period.** The billing period shall be monthly.
- (b) **Payment of Bill.** Sewer bills shall be paid within twenty (20) days from the date of billing. A penalty of three percent (3%) shall be added to the bill.
- (c) **Establishment of a User Charge System.** A user charge shall be charged to all users of the sewage system and shall be proportional to usage of various items.
- (d) **Budget.** The Village Board shall establish a budget each year prior to the first (1st) quarter period of the following year. The budget shall include the following items:

- (1) Current budget including cost overruns and surplus.
- (2) Operation and maintenance costs.
- (3) Replacement fund.
- (4) Administrative costs and billing costs.
- (5) Sampling cost.
- (6) Miscellaneous costs.
- (7) Miscellaneous charges.

Sec. 9-2-16 Debt Service.

Sewer user charges are to be collected for general obligation bond principal and interest payments and for public benefit funds, and for any other purpose provided by law not related to the operation, maintenance, and replacement of the waste treatment works.

Sec. 9-2-17 Accounting.

- (a) **Money.** All user charge payments shall be placed in the sewer account. Such money shall be used only to cover the costs of operation and maintenance, replacement, toxics, handling and sampling, and other costs as outlined in this Chapter.
- (b) **Expenditures.** Expenditures shall be made from the user charge monies by the Village in accordance with the detailed annual budget and ordinances authorized by the Village.
- (c) **Replacement Reserve Expenditures.** Expenditures from the accrued replacement reserve on facilities shall be for making renewals to accommodate wear of physical elements and/or movable property that would result in an extended useful life or meet the anticipated useful life of the present plant and not for plant expansion or additions.
- (d) **Renewals.** Renewals to accommodate wear of physical elements and/or movable property shall be capital expenditures that cause the annual estimate for accrued reserves from replacement to be evaluated in terms of extended useful life as a result of preventive maintenance programs or of such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and charged to the fixed assets groups of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the replacement reserve requirements.
- (e) **Audit.** An audit shall be performed annually at the same time that the other books of account of the Village are audited and in the same manner.

Title 9 ► Chapter 3

Cable Television

9-3-1	Grant of Franchise
9-3-2	Definitions
9-3-3	Franchise Expiration and Cancellation
9-3-4	Technical Standards
9-3-5	Grantee's Use of Village Rights
9-3-6	Method of Installation
9-3-7	Authority to Trim Trees
9-3-8	Indemnity
9-3-9	Services Provided
9-3-10	Subscriber Privacy
9-3-11	Unauthorized Connections or Modifications
9-3-12	Franchise Revocation and Expiration
9-3-13	Compliance with Laws, Rules and Regulations
9-3-14	Protection of Nonsubscribers
9-3-15	Conflict with Other Ordinances

Sec. 9-3-1 Grant of Franchise.

This Chapter grants to Charter Communications, formerly HLM Cable Corporation ("HLM"), with offices at 417 Apache Drive, Janesville, Wisconsin, 53545, a non-exclusive franchise to install, maintain and operate a cable television system for the distribution of television signals, frequency modulated radio signals, closed circuit television programs, data transmissions and any and all additional services which are now or may be commonly associated with the cable television industry in the future. The term of this grant is for fifteen (15) years.

Sec. 9-3-2 Definitions.

The following words and phrases, whenever used in this Chapter shall be construed as defined in this Section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such word or phrase:

- (a) **Additional Service.** Any subscriber service provided by the Grantee for which a special charge is made in addition to the regular monthly charge paid by all subscribers.
- (b) **Basic Subscriber Service.** Subscriber services provided by the Grantee, including the delivery of broadcast signals and programming originated over the cable system, covered by the regular monthly charge paid by all subscribers.
- (c) **Board.** The duly elected Village Board of the Village of Livingston or other future governing body of said entity.
- (d) **Cable System.** A system of antennas and other receiving equipment, cables, wires, lines, towers, waveguides, laser beams or any other conductors, converters, equipment or facilities, designed or constructed for the purpose of producing, receiving amplifying and distributing by audio, video and other forms of electronic or electrical signals to and/or from locations in and outside the Village of Livingston.
- (e) **Full Network Service.** All basic services and additional services offered by the Grantee.
- (f) **Grantee.** HLM Cable Corporation.
- (g) **Subscriber.** A purchaser of any service delivered by Grantee pursuant to this Franchise, and subscriber shall also include all persons who are not required to pay any fee, but receive any service delivered by Grantee pursuant to this Franchise.
- (h) **Substantially Completed.** Construction will be considered substantially completed when sufficient distribution facilities have been installed so as to permit the offering of basic subscriber service to at least eighty percent (80%) of the dwelling units in each of the service areas.

Sec. 9-3-3 Franchise Expiration and Cancellation.

The initial service area to be covered by the Franchise is the municipal limits of the Village of Livingston and the cable operator shall provide service to that portion of the Village where there are a minimum of forty (40) homes per linear mile of cable plant. The Grantee shall be required to extend its service to any additional part of the municipality pursuant to said extension policy.

Sec. 9-3-4 Technical Standards.

Grantee shall maintain a cable television system at all times in compliance with the Federal Communications Commission Technological Standards and shall file all necessary reports as required by the Rules of the Federal Communications Commission.

Sec. 9-3-5 Grantee's Use of Village Rights.

Upon acceptance of this Franchise, Grantee is hereby granted the right to erect, maintain, and operate a cable system in the streets, alleys and utility easements of the Village of Livingston and other public places. The poles used for such distribution shall be those erected or used by the

local utilities. The Grantee may erect its own poles where necessary after first obtaining permission from the Village Board.

Sec. 9-3-6 Method of Installation.

- (a) **Indemnification.** All installations made by the Grantee shall be made in good, substantial, safe condition and maintained in such condition at all times and shall be made in accordance with all applicable rules and regulations, including the rules and regulations of the utility company owning any poles utilized by the Grantee. The Grantee shall make no excavations in the streets, alleys and public places without first procuring a written permit from the Village Engineer or other authorized representative of the Village, and all work of such kind shall be done so as to meet the approval of the Village Engineer or other person authorized by the Village to approve such work.
- (b) **Distribution Location.** The Grantee's transmission and distribution system poles, wires and appurtenances shall be located, erected and maintained so as not to interfere with the lives or safety of persons, or to interfere with improvements the Village may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges or other public property.
- (c) **Excavation Restoration.** Grantee shall restore all areas of construction and/or excavation to the condition existing prior to the beginning of construction and/or excavation.

Sec. 9-3-7 Authority to Trim Trees.

The Grantee shall have the authority to trim trees upon any overhanging streets, alleys, sidewalks and other public places of the Village so as to prevent the branches of such trees from coming in contact with the wires and cables of the company.

Sec. 9-3-8 Indemnity.

- (a) **Indemnification.** The Grantee shall indemnify, defend and save the Village and its agents and employees harmless from all claims, damages, losses and expenses, including attorney's fees, sustained by the Village on account of any suit, judgment execution, claim or demand whatsoever arising out of the installation, operation, maintenance, repair, use or removal of the cable system, except for such claims, damages, losses and expenses, including attorney's fees, which are attributable in part or in whole to acts of the Village or its agents.
- (b) **Insurance.** The Grantee shall maintain throughout the term of the Franchise a general comprehensive liability insurance policy naming as an additional insured the Village, its officers, boards, commissions, agents and employees, protecting the Village and its agencies

and employees against liability for loss or damage for personal injury, death or property damage, occasioned by the operations of Grantee under the Franchise granted hereunder, in the amounts of Five Hundred Thousand Dollars (\$500,000) for bodily injury or death to any one (1) person and One Million Dollars (\$1,000,000) for bodily injury or death resulting from any one (1) accident, and One Hundred Thousand Dollars (\$100,000) for property damage resulting from any one (1) accident.

- (c) **Cancellation Clause.** The insurance policy shall contain an endorsement stating that the policy is extended to cover the liability assumed by the Grantee under the terms of this Chapter and shall further contain the following endorsement:

It is hereby understood and agreed that this policy may not be cancelled nor the amount of coverage thereof reduced until thirty (30) days after receipt by Village Clerk-Treasurer by registered mail of a written notice of such intent to cancel or reduce the coverage.

Sec. 9-3-9 Services Provided.

The Grantee shall provide the maximum amount of services as are economically feasible to provide taking into consideration all costs of operation and the density of the cable television system as it relates to number of subscribers. Pursuant to the Federal Cable Communications Policy Act of 1984, the municipality shall exercise no censorship or control over programming services and/or content thereof.

Sec. 9-3-10 Subscriber Privacy.

No monitoring of any terminal connected to the system shall take place without specific written authorization by the user of the terminal in question.

Sec. 9-3-11 Unauthorized Connections or Modifications.

- (a) It shall be unlawful for any firm, person, group, company, corporation or governmental body or agency, without the expressed written consent of the Grantee, to make or possess any connection, extension or diversion, whether physically, acoustically, inductively, electronically or otherwise, with or to any segment of the cable system for any purpose whatsoever.
- (b) It shall be unlawful for any firm, person, group, company, corporation or government body or agency to willfully interfere, tamper, remove, obstruct or damage any part, segment or content of the cable system for any purpose whatsoever.

- (c) Any person violating this Section shall be subject to a forfeiture of up to Five Hundred Dollars (\$500.00) per occurrence and may be required to pay for any damages resulting from said violation. Each continuing day of the violation shall be considered a separate occurrence.

Sec. 9-3-12 Franchise Revocation and Expiration.

- (a) **Revocation.** The Village may, subject to the procedure in Subsection (b) below, revoke any franchise granted hereunder and rescind all rights and privileges associated therewith in the event of a material or substantial breach of any term or condition of this Chapter.
- (b) **Termination Procedures.** In the event the Board determines it is in the public interest to terminate the cable television franchise, the Board shall give the Grantee sixty (60) days written notice of its intention to terminate and stipulate the cause. If during the sixty (60) day period, the cause shall be cured, the notice and right to terminate shall be null and void. The Grantee shall, in any event, be given an opportunity to be heard before the Village Board regarding termination and the Grantee shall be afforded all due process rights regarding termination. In the event of termination, the Village Board shall provide a written summary of its reasons for termination and said decision shall be subject to judicial review.
- (c) **Federal Law Applicability.** The expiration of this Franchise shall be governed by the terms and provisions of the Cable Communications Policy Act of 1984.

Sec. 9-3-13 Compliance with Laws, Rules and Regulations.

In the event any valid law, rule or regulation of any governing authority or agency having jurisdiction, including but not limited to, the Federal Communications Commission, contravenes the provisions of this Chapter subsequent to its adoption, then the provisions hereof shall be superseded to the extent that the provisions hereof are in conflict with any such law, rule or regulation.

Sec. 9-3-14 Protection of Nonsubscribers.

Grantee shall at all times keep its cable and other appurtenances used for transmitting signals protected in such a manner that there will be no interference with communications signals received by persons not subscribing to Grantee's service.

Sec. 9-3-15 Conflict with Other Ordinances.

Should any other Chapter or part thereof be in conflict with the provisions of this Chapter, this Chapter shall prevail insofar as it applies to the Cable Communications System Franchise granted to Grantee.

Title 9 ► Chapter 4

Miscellaneous Franchises

- 9-4-1** Gas Distribution System Franchise — Wisconsin Gas Company
9-4-2 Gas Distribution System Franchise — Wisconsin Power and Light Company

Sec. 9-4-1 Gas Distribution System Franchise — Wisconsin Gas Company.

- (a) The Village of Livingston, Grant County, Wisconsin, does hereby grant to Wisconsin Gas Company, (herein called "the Company"), a corporation organized and existing under the laws of the State of Wisconsin, its successors and ? upon the conditions hereinafter set forth, the right, authority and permission to construct, maintain, operate, enlarge and repair in the Village of Livingston a system for furnishing and distribution of natural gas and natural gaseous fuels, and to use the highways, roads, streets, alleys, lanes, boulevards, parks, public ways, public grounds and bridges in said Village for constructing, maintaining, operating, enlarging and repairing its transmission and distribution pipe lines with all the necessary, usual or convenient manholes, valves, passage ways and appurtenances for the purpose of supplying and selling natural gases and natural gaseous fuels to said Village and its residents and to any building, structure, factory, processing plant, industry or public or private house or any gas user therein.
- (b) This franchise is granted to the restrictions and conditions contained in applicable Sections of the Wisconsin Statutes, and further subject to such rules and regulations as the Village Board of said Village of Livingston may from time to time prescribe.
- (c) This franchise shall be void and shall expire if the Company shall not have obtained from the Public Service Commission of Wisconsin within three (3) years from the date of publication of this Section (November 12, 1970) a certificate authorizing it to transact such public utility business and to construct and operate the above described gas distribution system in said Village of Livingston.

Sec. 9-4-2 Gas Distribution System Franchise — Wisconsin Power and Light Company.

- (a) There is hereby granted Wisconsin Power and Light Company, a public utility corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, with

its principle office at Madison, Wisconsin, a franchise, license and permit to supply, in public service, gas to the Village of Livingston and to its inhabitants.

- (b) The gas will primarily be natural gas as received from the pipeline company, but may from time to time contain varying proportions of manufactured gas. The characteristics of the gas received from the pipeline company may vary or be changed from time to time within the limits permitted under regulation of the Federal Energy Regulatory Commission, and the characteristics of the gas delivered to the Customer may vary or be changed from time to time within the limits permitted under regulation of the Public Service Commission of Wisconsin.
- (c) There is hereby granted to Wisconsin Power and Light Company for the purpose of enabling the Company to furnish gas service to the Village of Livingston, and to its inhabitants, the right and authority to place, lay, maintain and repair gas mains and gas laterals, and other necessary and proper appurtenance, in the streets, alleys and public ways and ground in the Village of Livingston.
- (d) A condition of the franchise, license and permit is that the Wisconsin Power and Light Company shall not damage highway improvements without restoring the damaged portions to a condition of repair equal to that existing prior to such damage.
- (e) This Chapter shall confer no right, privilege or authority upon the Wisconsin Power and Light Company, its successors or assigns, unless such Company installs such gas service in the Village of Livingston within a period of three (3) years (September 14, 1992) in accordance with the rules filed with the Public Service Commission of Wisconsin.