

# **TITLE 9**

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## **Public Utilities**

**Chapter 1**

Natural Gas

**Chapter 2**

Utility Districts

## Title 9 ► Chapter 1

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# Natural Gas Franchise

### 9-1-1 Natural Gas Franchise

#### Sec. 9-1-1 Natural Gas Franchise.

- (a) **Grant of Franchise.** There is hereby granted to Midwest Natural Gas, Inc., a Wisconsin corporation, its successors and assigns, hereinafter referred to as "Company", the right and privilege to acquire, erect, construct, operate and maintain a gas plant, gas system, or both to import, transport, sell and distribute gas, whether natural, manufactured or mixed within the Town of Warren and for these purposes to establish the necessary facilities and equipment and to lay and maintain gas mains, service pipes and any other appurtenances necessary to the sale and distribution of gas in and along the streets, alleys and other public ways and places of the Town of Warren, provided, however, that nothing herein shall prevent or limit any person from importing, transporting, selling or distributing liquid petroleum or liquid propane gas within the Town of Warren. This franchise shall be void and shall expire if the Company shall not have obtained from the Public Service Commission of Wisconsin within five (5) years from the date of original publication of this Section a certificate authorizing it to transact such public utility business and to construct and operate the above described gas distribution in said Town of Warren.
- (b) **Conditions of Street Occupancy.**
- (1) **Use.** All pipes, mains and other natural, artificial or mixed gas equipment and apparatus laid or placed by the Company shall be located in the streets, alleys, public ways and places in the Town of Warren so as not to obstruct or interfere with any water pipes, sewers, drains or other structures. The Company shall, when practicable, avoid interfering with the use of any street, alley or other highway where the paving or surface of such street, alley or other highway would be disturbed.
  - (2) **Restoration.** If the Company shall disturb any pavement, sidewalk, street, alley, driveway or other surfacing, then in such event, the Company shall, at its own cost and expense and in a manner approved by the Town of Warren replace and restore to a condition as good as that before such disturbance, any such disturbed pavement, sidewalk, street, alley, driveway or other surfacing.

- (3) **Relocation.** In the event that at any time during the period of this franchise the Town shall lawfully elect to alter or change the grade of any street, alley or other public place or way, the Company, upon reasonable notice to the Town of Warren, shall remove, re-lay and relocate, at its own expense, the Company's pipes, mains and other gas fixtures.
- (c) **Service and Rates.** The Company shall render efficient service and charge fair and reasonable rates in accordance with the rules and regulations of the Public Service Commission of Wisconsin.
- (d) **Company Rules.** The Company shall have the power and authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Company to exercise its rights and to perform its obligations under this franchise in accordance with the rules and regulations of the Public Service Commission of Wisconsin.
- (e) **Company Liability; Indemnification.** It is expressly understood and agreed by and between the Company and the Town of Warren that the Company shall save the Town of Warren harmless from any suit, judgment, claim, execution or demand whatsoever, resulting from the negligence of the part of the Company in the construction, operation or maintenance of its gas system in the Town of Warren. The Town of Warren shall notify the Company's representative within five (5) days after the presentation of any claim or demand, either by suit or otherwise, made against the Town of Warren on account of any negligence as aforesaid on the part of the Company.
- (f) **Acceptance.** The Company, its successors and assigns, shall, if it accepts this Franchise and the rights hereby granted, file a written acceptance of this Section with the Town of Warren within sixty (60) days from the date of original posting (3/11/91) of this Section.

**Chapter 2 Utility District: Water Use**

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**Sec. 9-2-1 Introduction and Purpose.**

The purpose of these regulations is to regulate and control the operation and use of the public water system within the Town of Warren Water Utility District in order to promote the public health, safety, and general welfare of the community. They are designed to promote reasonably adequate water services for the community and to set forth equitable revenue systems so as to derive the maximum public benefit. The Town of Warren Water Utility District is subject to regulation by the Public Service Commission of Wisconsin. The Ordinance enables the Town of Warren Water Utility District to comply with the requirements of Wis. Adm. Code, Ch. PSC 185 as amended, Standards for Water Public Utility Service and any other state or federal law. This Ordinance shall supersede any previous Town of Warren Ordinances regulating operation and use of the public water system and shall repeal all provisions that may be inconsistent with this Ordinance.

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## **Sec. 9-2-2 Definitions.**

In Chapter 4 the following, words and phrases shall have the designated meaning:

- (a) **Commercial utility service** means water service for any commercial uses authorized under the provisions of the St. Croix County Zoning Ordinance, Section 17.17 as amended and Section 17.18 as amended. Copies of the relevant provisions are attached hereto and incorporated by reference herein.
- (b) **Commission** means the Town of Warren Water Utility District Commission; sometimes used synonymously with "Utility Commission" or "District Commission."
- (c) **Curb Stop** means a water shut-off valve located between the curb or street (pavement edge), as appropriate, and the property line.
- (c) **Customer** denotes any person, owner or occupant, firm, partnership, corporation, municipality, cooperative organization, governmental agency, or political entity provided with water service by the Town of Warren Water Utility District.
- (e) **Delinquent Account** denotes an account which has a bill for service unpaid after payment is due.
- (f) **District** shall mean the Town of Warren Water Utility District.
- (g) **Meter** means an instrument installed to measure the volume and/or rate of flow of water delivered through it.
- (h) **Residential Utility Service** means water service provided by the District for residential related purposes to any dwelling unit
- (i) **Shall** is mandatory.
- (j) **Stop Box** means an appurtenance installed on each water service to locate and protect the curb stop.
- (k) **Unit of Service** denotes any residential or small commercial aggregation of space or area occupied for a distinct purpose such as a residence, apartment, store or office, which is equipped with one or more fixtures for rendering water supply, separate and distinct from other users. Each unit of service will be regarded as a separate consumer and charges for more than one customer on a single meter will be assessed accordingly. Thus, an apartment building, having five separate dwelling units each of which is equipped with one or more fixtures for rendering water supply, will be classified as five separate units of service and five separate consumers even if all four units are on one meter.
- (l) **Utility Classification Codes.**  
**Residential** includes private homes, duplexes, and apartment buildings four (4) units and under.  
**Water Lateral** denotes the piping from the main to the curb stop.
- (m) **Water Service Pipe** denotes the piping from the curb stop to the building.

## **Sec. 9-2-3 General Provisions.**

- (a) **Management.** The District shall be managed by the Commission.

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- (b) **Organization.** Town of Warren Water Utility District is organized as a Utility District pursuant to Sec. 66.0827 as amended, Wis. Stats. Town of Warren Water Utility District is sometimes referred to as the "District". The District shall have all of the power and authority authorized by applicable statutes; and nothing contained in this Ordinance shall prohibit or otherwise limit the exercise of all such statutory power and authority. In connection with the organization of the District, the following provisions shall control:
- (1) (i) Unless otherwise provided for in Section 9-2-3(b)(1)(ii), the Town Board of the Town of Warren shall act as the Commission of the District. The term of office of such members of the Commission of the District shall be concurrent with their terms of office as members of the Town Board. In the event of any vacancy on the Commission of the District, such vacancy shall be filled in the same manner as the filling of a vacancy in the office of a Town Board Supervisor, (ii) As an alternative to Section 9-2-3(b)(1)(i), the Town Board may, by resolution, appoint three (3) persons, who shall be residents of the Town and of the District in question and shall own property within the District in question, as members of the Commission. The term of office for such members shall be three (3) years, and shall be staggered so no more than one (1) member is appointed each year. In making the initial appointments, the Town Board shall appoint one (1) member for a one (1) year term of office, another member for a two (2) year term of office, and the final member for a three (3) year term of office. Any vacancy may be filled by appointment by the Town Board for the remainder of the unexpired term.
  - (2) (i) When the Town Board constitutes the Commission of the District, the Town Board Chairman shall be the President of the Commission, the Town Clerk shall be the Secretary of the Commission, and the Town Treasurer shall be the Treasurer of the Commission; except where there is a Town Clerk/Treasurer, in which event, such individual shall be the Commission Secretary/Treasurer. Any vacancy in the offices of President, Secretary or Treasurer shall be filled in the manner applicable to filling vacancies in similar Town offices. (ii) When the Commission has been appointed by the Town Board pursuant to Section 9-2-3(b)(1)(ii), the Commission shall organize itself by electing one (1) of its members as President. The Town Clerk and the Town Treasurer shall be the Secretary and Treasurer of the Commission as provided for in Section 9-2-3(b)(2)(i), in any event.
  - (3) The President of the Commission shall preside at all meetings of the Commission. The Secretary shall keep a separate record of all proceedings and minutes of meetings and hearings of the Commission. The Treasurer shall maintain the accounts of the District pursuant to Sec. 66.0872 as amended, Wis. Stats.
  - (4) The Commission may project, plan, construct and maintain a system of water supply including all of the improvements or activities or any combination of them necessary for the promotion of the public health, comfort, convenience or welfare of the District. Without intending to limit the generality of the foregoing, the Commission may:

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- a. With the approval of the Town Board, sell any of its services to users inside or outside of the corporate limits of the District.
  - b. Fix and collect charges for water supply services.
  - c. Employ attorneys, engineers, accountants and other persons to assist it in the performance of its work.
- (5) The Commission shall meet at such times and places as it deems appropriate; and shall adopt such rules and procedures relative to its meetings as it may reasonably require.
- (6) The Town Board, acting for the benefit of and on behalf of the District, may levy special assessments to finance the activities of the District and may acquire property by means of eminent domain for public purposes on behalf of the District.
- (7) The District's fiscal year shall be the calendar year.
- (c) **Compliance with Rules.** All persons now receiving a water supply from the District, or who may make application for service, shall be deemed to have consented to the water utility rules and regulations filed with the Public Service Commission of Wisconsin and with the terms of this ordinance.

### Sec. 9-2-4 Connection to Existing Public Water System.

- (a) **Compulsory Connection.** The owner of any house or other building within the District which is used for human occupancy, employment, or recreation, located on a parcel which is adjacent to an existing public water main, shall install, at owner's expense, suitable plumbing facilities and shall take the necessary steps to connect such facilities directly with the District water system within one hundred twenty (120) days after date of written notification by the Commission.
- Other Requirements.** The provisions of this section are not intended to interfere with, abrogate or alleviate the need for compliance with any connection requirements that may be imposed by the State of Wisconsin, St Croix County, or any governmental agencies.
- (b) **Application Required.** Any person desiring to connect to the District water system shall apply in writing to the District on a form furnished by the District. The application shall be made by the owner or his representative and shall include a statement giving the exact location of the premises to be served, the name of the owner, the purpose for which the service is to be used, the time when the work is to be done, the size of the supply pipe and meter desired, and such other information as may be required by the District. Any special refrigeration or air-conditioning water consuming appliances shall be particularly noted on the application. The District may deny any application where the required information is not provided.
- (c) **Connection Permit Required.** No work of laying the water lateral and/or water service pipe shall be commenced or continued without the required connection permit being on the premises. At the time of connecting, the water lateral and/or water service pipe to the

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meter setting shall be inspected by the District or its designate. Connection permits shall not be granted unless all of the following conditions are met:

- (1) The premises to be served are situated on a lot or parcel within the District and abutting on any street, alley, easement or right-of-way in which a District water main is located; and
  - (2) The property owner agrees to install a water service pipe from the curb stop to the unit of service according to all District specifications; and
  - (3) The premises to be served will have adequate piping beyond the metering point.
- (d) **Multi-unit Dwelling Application.** A multi-unit dwelling shall be served by individual metered water service to each unit. Each meter and meter connection will be a separate customer for the purpose of the filed rules and regulations.
- (e) **Lawn Sprinkler Systems.** The owner of a building who wishes to install a lawn sprinkler system may request that such system be metered separately from residential service. The owner, by selecting this option, is required to provide plumbing and meter settings to enable such service and to permit individual disconnection without affecting service to the residential unit or units. Each meter and meter connection will be a separate customer for the purpose of the filed rules and regulations. Any such owner shall further notify the District of the installation of any such lawn sprinkler system and shall consent to an inspection to ensure such system does not constitute an illegal cross connection as specified in Section 9-2-5 of this Ordinance.
- (f) **Temporary Water Services.** Any person desiring to connect to the District water system on a temporary and limited basis shall make application to the District for permission according to the following provisions of this Section.
- (1) **Temporary Metered Supply.** An applicant for temporary water supply on a metered basis shall make and maintain a cash escrow 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. The amount of the deposit and the charge for setting the valve and furnishing and setting the meter will be pursuant to the rates and rules on file with the Wisconsin Public Service Commission.
  - (2) **Temporary Unmetered Services—Unmetered Temporary Supply, Unmetered Temporary Construction Use and Isolated Unmetered Usage.**
    - a. **Unmetered Temporary Use Other Than Building or Construction.** Where a water meter cannot be installed immediately, service may be supplied temporarily on an unmetered basis upon written application to the District. Such service shall be billed pursuant to the rates and rules on file with the Wisconsin Public Service Commission.
    - b. **Unmetered Temporary Construction Use.** When water is wanted on an unmetered basis for construction purposes, an application shall be made to the District in writing, upon the application provided for that purpose in the District's office, giving a statement of the amount of construction work to be done, or the size of the tank to be filled, etc. If the application is approved, payment for the water shall be required in advance and shall be made in accordance with the approved building and construction water



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service (unmetered) rate. For construction purposes, the water must be drawn from the service pipe which is carried inside the foundation wall. No connection with the service pipe at the curb stop shall be made without special permission from the District. In no case will any employee of the District 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 District, together with a statement of the actual amount of construction work performed. Customers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the District. Any customer failing to comply with this provision will have their water service discontinued.

- c. **Isolated Unmetered Usage.** When water is wanted on an unmetered basis for isolated purposes such as filling swimming pools, tanks or tank wagons, etc., written application shall be made to the District. If the application is approved, payment for the water shall be made in advance at the scheduled rates for general unmetered water service. In addition, an application administration fee shall be paid by persons not otherwise customers of the District as established by the Wisconsin Public Service Commission.
- (3) **Deposits Returned.** All monies 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, shall be refunded to the applicant when the use of water has terminated, all charges have been paid, and the wheel and reducer have been returned undamaged.
- (g) **Inspections.** During reasonable hours, any officer or authorized employee of the District shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the District's rules and regulations. Whenever appropriate, the District will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.

### Sec. 9-2-5 Cross Connection Control.

- (a) **Cross Connection Defined.** In this section, "cross connection" means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, where upon loss of pressure or any other pressure condition, there may be a flow from one system to the other.
- (b) **Cross Connections Prohibited.** No person, firm or corporation may establish or permit to be maintained any cross connection. No interconnection may be established where potable water from a private, auxiliary or emergency water supply, other than the town

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water supply, may enter the supply or distribution system of the town, unless the private, auxiliary or emergency water supply and the method of connection and use of the supply shall have been approved by the District and by the state Department of Natural Resources under Wis. Adm. Code §NR 811.09.

(c) **Inspections.**

(1) **By District.** The District shall cause periodic inspections to be made of all properties served by the water system where cross connection with the water system is deemed possible. The frequency of inspections and reinspections shall be as established by the District and as approved by the state Department of Natural Resources.

(2) **Owner to Cooperate; Inspection Warrants.** Upon presentation of credentials, a representative of the District may request entry at any reasonable time to examine for cross connections any property served by a connection to the District's water system. If entry is refused, the representative shall obtain a special inspection warrant under Secs. 66.019 as amended, Wis. Stats. Upon request by a representative of the District, the owner, lessee or occupant of any property so served shall furnish to the District any pertinent information regarding the piping system or systems on the property if the information is known to the owner, lessee or occupant.

(d) **Discontinuance of Service to Offending Properties.** The District is authorized and directed to discontinue water service to any property where 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. Except as provided in Section 9-2-5(e), water service may be discontinued only after reasonable notice and opportunity for a hearing under Section 9-2-16(b). Water service to the property shall not be restored until the cross connection has been eliminated in compliance with this Section.

(e) **Emergency Discontinuance of Service.** If it is determined by the District 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 Town Clerk/Treasurer and delivered to the customer's premises, service may be immediately discontinued or ordered disconnected. The customer shall have an opportunity for a hearing under Section 9-2-16(b), within ten (10) days of such emergency discontinuance.

(f) **Plumbing Code Not Superseded.** This Section does not supersede the state plumbing code or the Town plumbing code, but is supplementary to them.

(g) **Annual Report by Commission.** The District shall annually file a report with the Town Board on the administration and effectiveness of this Section.

### Sec. 9-2-6 State Plumbing Code Adopted.

The provisions of Wis. Adm. Code Subch. IX, COMM 5, and COMM 81 to COMM 87 as amended, inclusive (state plumbing code), and all subsequent amendments are adopted by reference and incorporated in this Code as if fully set forth. A copy of the current state plumbing

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code shall be filed in the office of the Town Clerk/Treasurer and kept permanently on file and open to public inspection. The regulations adopted shall be administered by the Commission and the town plumbing and heating inspector. Violations of the provisions adopted or any rule or order of the Commission shall be subject to the enforcement and abatement procedures of Section 9-2-15 of this Chapter.

### **Sec. 9-2-7 Installation and Repair of Water Supply Piping and Equipment.**

- (a) **Service Connections (or Water Laterals).** 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 District. 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.

In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the backfill. The backfill shall be free from hard lumps, rocks, stones or other injurious material, around and at least six (6) inches over the pipe.

- (b) **Installation and Repair of Water Service Lateral .** The owner or applicant shall install the water service lateral at his own expense. Such installation by owner or applicant shall be in accordance with District specifications and shall be subject to inspection and approval in accordance with the Town's ordinance regulating the division and subdivision of land. A non-refundable permit fee for a residential user shall be paid upon filing the application pursuant to the rates and rules on file with the Wisconsin Public Service Commission.

- (c) **Installation and Repair of Water Service Pipe by Owner's Licensed Contractor.**

Water service pipes shall be installed in accordance with the regulations contained in the Wisconsin Administrative Code. After the necessary application procedures are complete, the property owner shall install a water service pipe from the curb stop to the point of use not less than 8 feet below the surface of the established or proposed grade, whichever grade is lower, and according to all specifications of the District. In addition, special protective coverings may be required where soil conditions and other factors are conducive to premature failure of the service. The applicant's plumber shall be responsible for connecting and installing said service pipe to the curb stop and lateral. No plumber shall cover or permit the covering of any water service pipe until the installation has been inspected and approved by the District or his designate.

The lateral from the main, to and through the curb stop, will be maintained and kept in repair and when worn out, replaced at the expense of the District. The property owner shall maintain the service pipe from the curb stop to the point of use.

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If the owner fails to repair a leaking or broken service pipe from curb stop to point of metering or use within such time as may appear reasonable to the District, after written notice, the water will be shut off and will not be turned on again until the repairs have been completed.

- (d) **Water Lateral Installation Charge.** Where the main extension has been approved by the District, land division developers shall be responsible for the water service lateral installation costs from the main through the curb stop and box.

When the cost of a utility main extension is to be collected through assessment by the Town of Warren, the actual average water lateral installation costs from the main through the curb stop and box shall be included in the assessment of the appropriate properties.

- (e) **Sizing of Water Supply Pipes; Division Prohibited.** All water pipes shall be of undiminished size from the District water main 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. No division of the water service of any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb stop for separate supplies for two or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.
- (f) **Stop Box and Curb Stop Inspection.** The District shall inspect the stop box and curb stop prior to setting of the water meter to ascertain any damages incurred during construction of improvements on a given lot. If at that inspection, or any prior inspection it is found that the stop box and curb stop have been damaged, they shall be repaired by the District and the full cost of the repair shall be paid by the property owner. If not paid within ninety (90) days, the cost of said repairs shall be placed on the tax roll pursuant to Section 66.0809(3) as amended, of the Wisconsin Statutes.
- (g) **Meters Required.** All service connections to the water system shall be metered. The District will not approve nor permit changes from metered to flat rate service.
- (h) **Installation of Meters.** Meters will be furnished and placed by the District and are not to be disconnected or tampered with by the customer. All meters shall be so located that they shall be protected from obstructions and permit ready access for reading, inspection and servicing, such location to be designated or approved by the District. All piping within the building must be supplied by the owner. Where additional meters are desired by the owner, the owner shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation.
- (i) **Service Piping for Meter Settings.** Where the original service piping is installed for a new metered customer, where existing service piping is changed for the customer's convenience, or where a new meter is installed for an existing unmetered customer, the owner of the premises at his/her expense shall provide a suitable location and the proper connections for the meter. The District 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

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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 District (the President of the Commission may require a horizontal run of 18 inches in such pipe line) which may later be removed for the insertion of the meter into the supply line.

(j) **Protective Devices.**

(1) **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, 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 or refrigeration systems by means of high and/or low pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water hammer or noise of operation of any valve or appliance through the piping of their own or adjacent premises.

(2) **Relief Valves:** On all "closed systems" (i.e., systems having a check valve, pressure regulator, or pressure-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. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. See applicable plumbing codes.

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

(k) **Code Requirements.** Plumbing shall be designed, constructed and installed in accordance with the provisions of the Wisconsin Administrative Code.

(l) **Duty of District with Respect to Safety of the Public.** It shall be the duty of the District to see that all open ditches for water mains, hydrants and laterals are properly guarded to prevent accident to any person or vehicle, and at night, there shall be displayed amber signal lights in such manner as will, so far as possible, insure the safety of the public.

**Sec. 9-2-8 Water Main Extensions.****(a) Extensions in New Subdivisions or Land Divisions.**

- (1) **Application.** Application for installation of water mains in subdivisions or land division shall be filed in writing with the Commission. The application shall set forth at least the following: (1) name and address of applicant; (2) name of subdivision or land division; (3) legal description of property; (4) map showing streets, lots and sizes of proposed mains and hydrants, and street laterals; (5) date of approval of plat by state Department of Development; (6) certified survey by Town; (7) date of approval of proposed mains by Department of Natural Resources; and (8) number of houses presently under construction.

Upon receipt of the application, the District 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 Town of Warren for approval of the extension as it pertains to public fire-protection service requirements.

The applicant for water service to be supplied to a subdivision shall be required to advance to the District, prior to the beginning of the construction, a letter of credit in a form approved by the Town Attorney for 125% of the estimated cost of the public improvements for provision of water to the subdivision or land division. A portion of such letter of credit shall remain in full force and effect for a period of one year after completion of the public improvements and approval of them by the District as a guarantee of the work and materials. The amount of the letter of credit to remain in effect shall be at the sole discretion of the District upon recommendation of the Town engineer and attorney.

- (2) **Installation and Payment.** The installation of the water mains in new subdivisions or land divisions shall be made by the developer, or a contractor employed by the developer, all in accordance with the terms and provisions of the Town's ordinance relating to the division and subdivision of land. The developer shall be responsible for the total cost of construction including any related engineering and legal review, inspection or other fees incurred by the District related to the subdivision or land division of developer. Plans and specifications for construction of the water main extension shall be submitted to the Town engineer for approval prior to commencement of any work. Any street or public service strip in which a main is to be placed should be graded to an established grade elevation as set and approved by the Town Engineer. All Utilities shall be

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installed prior to the blacktop of the roads in the subdivision. Any additional costs involved in installing a main in a street or public service strip that is not to grade will be charged to, and made a lien upon, the property fronting on said extension. The developer shall be responsible for maintenance and repair of any main extension for a period of one (1) year after completion and approval by the District unless specific written agreements specify otherwise. The District shall provide developer with written notice of any defect or problem with the public improvements during such one-year period and developer shall have twenty days from the receipt of such notice to remedy the defect or problem to the District's satisfaction. If developer fails to timely remedy any such defect or problem or fails to document to the District's satisfaction that it is giving its best effort to perform such remedy, the District is entitled to draw on developer's letter of credit to finance and perform the remedy itself.

- (b) **Installation of Water Main Extension.** Installation of water main extensions will not be allowed when the ground is frozen unless the applicant agrees to pay for additional cost involved. The District shall determine when frost conditions are encountered and will notify the owner or his authorized agent in advance when such condition is in effect. Any street or public service strip in which a main is to be placed should be graded to an established grade elevation as set and approved by the Town Engineer. Any additional costs involved in installing a main in a street or public service strip that is not to grade will be charged to, and made a lien upon, the property fronting on said extension. The developer shall be responsible for maintenance and repair of any main extension for a period of one (1) year after completion and approval unless specific written agreements specify otherwise.

### **Sec. 9-2-9 General Customer Provisions.**

- (a) **Purity of Supply Not to Be Impaired by Cross Connections.** Every person owning, or occupying a premises or building within the District shall maintain the District water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source, or of any manner of connection with any fixture or appliance, whereby water from a foreign supply or the waste from any fixture, appliance, waste or soil pipe may flow, be siphoned or pumped into the piping of the District's water system.
- (b) **Operation of Valves and Hydrants, and Unauthorized Use of Water—Penalty.** Any person who shall, without authority of the District, 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 a fire, or who shall wantonly damage or impair the same, shall be subject to a fine as provided by municipal ordinance. Permits for the use of hydrants apply only to such hydrants as are designated for the specific use.

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- (c) **Stop Boxes.** The customer shall protect the stop box in his terrace and shall keep the same free from dirt and other obstructions. The District shall not be liable for failure to locate the stop box and shut off the water in case of a leak on a customer's premises.
- (d) **Thawing Frozen Services.** Frozen services shall be thawed out by and at the expense of the District except where the freezing was caused by contributory fault or negligence on the part of the customer such as reduction of the grade or undue exposure of the piping in the building or on customer's property, or failure to comply with district specifications and requirements as to depth of service, lack of sufficient backfill, etc. Following the freezing of a service, the District shall take such steps and issue such instructions as may be necessary to prevent the refreezing of the same service. No charge will be made for rethawings if the instructions are followed. In case it is necessary to allow the water to flow to prevent refreezing, the customer shall make provision for proper disposal of the waste water. For the period in which the water is allowed to run, the customer's bill shall be adjusted for the consumption exceeding the customer's average consumption.
- (e) **Inspection of Premises.** During reasonable hours the District shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of this ordinance and the requirements of the Public Service Commission of Wisconsin.
- (f) **Vacation of Premises.** When premises are to be vacated, the District shall be notified in writing at once, so that it may remove the meter and shut off the supply at the stop box. The owner of the premises shall be liable for any damage to the property of the District by reason of failure to notify the District.
- (g) **Interruption of Service.** The District reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. Except in case of emergency repairs, whenever possible the District shall give notification, by newspaper publication or otherwise, of the interruption of service. No rebate will be allowed to customers for such temporary suspension of supply.
- (h) **Complaint Tests, Meters.** If a customer requests, the District shall promptly make an accuracy test in addition to the periodic or installation test if twenty-four (24) months or more has elapsed since the last complaint test of the same meter in the same location. If less than twenty-four (24) months has expired, there will be a charge according to the rates and rules of the Wisconsin Public Services Commission, payable in advance. If the meter is found fast in excess of 2%, any payment that was made for the test will be refunded and there will be an adjustment for past billings pursuant to Wis. Adm. Code PSC Secs. 185.61 through 185.79 as amended.
- (i) **Repairs to Meters.** Meters will be repaired by the District and the cost of such repairs caused by ordinary wear and tear will be borne by the District. 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 customer or the owner of the premises. In cases in which the customer and the owner of



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the premises are separate persons or entities, both shall be jointly and severally liable for any such damages.

- (j) **Surreptitious Use of Water.** When the District has reasonable evidence that a customer is obtaining his water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the water being delivered to his equipment, the District 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) hour disconnection of service. When the District shall have disconnected the customer for any such reason, the District will reconnect the customer upon the following conditions:
- (1) The customer will be required to deposit with the District an amount sufficient to guarantee the payment of the customer's bills for utility service to the District.
  - (2) The customer will be required to pay the District for any and all damages to its equipment on the customer's premises due to such stoppage or interference with its metering.
  - (3) The customer must further agree to comply with reasonable requirements to protect the District against further losses.

### **Sec. 9-2-10 Customer Deposits.**

- (a) **New Residential Service.** The District may require a cash deposit or other guarantee as a condition of new residential service if, and only if, the customer has an outstanding account balance with the District which accrued within the last six (6) years, and which at the time of the request for new service remains outstanding and not in dispute.
- (b) **Existing Residential Service.** The District may require a cash deposit or other guarantee as a condition of continued service if, and only if, either or both the following circumstances apply:
- (1) Service has been shut off or discontinued within the last twelve (12) months for violation of these rules and regulations or for nonpayment of a delinquent bill for service which is not in dispute.
  - (2) Credit information obtained by the District subsequent to the initial application indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under these rules and regulations.
- (c) **Commercial Service.** If the credit for an applicant for commercial service has not been established to the satisfaction of the District, he shall be required to make a deposit or otherwise guarantee to the District payment of bills for service.
- (d) **Conditions of Deposit.** The provisions of Wis. Adm. Code, Ch. PSC 185.36 as amended are incorporated and adopted by reference as conditions of deposit.

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- (e) **Refund of Deposits.** The District shall review the payment record of each residential customer with a deposit on file at not less than twelve (12) month intervals and shall not require or continue to require a deposit unless a deposit could be required under the conditions stated above. In the case of a commercial customer, the District shall refund the deposit after twenty-four (24) consecutive months of prompt payment if the customer's credit standing is satisfactory to the District. Payment shall be considered "prompt" if it is made prior to notice of disconnection for non-payment of a bill not in dispute. Any deposit or portion refunded to a customer shall be refunded by check unless both the customer and the District agree to credit the regular bill or unless service is terminated, in which case the deposit with accrued interest at the current legal rate shall be applied to the final bill and any balance returned to the customer promptly.
- (f) **Other Conditions.** A new or additional deposit may be required upon reasonable written notice of the need if such new or additional deposit could have been required under the circumstances when the initial deposit was made. Service may be refused or disconnected for failure to pay a deposit request as provided in the rules. When service has been disconnected for failure to make a deposit, or for failure to pay a delinquent bill, or for failure to comply with the terms of a deferred payment agreement, and satisfactory arrangements have been made to have service restored, a reconnection charge as specified in Section 9-2-11(g) shall be paid by the customer as a condition to restoration of service.
- (g) **Guarantee Contracts.**
  - (1) The District may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the District, where payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of a guarantee contract shall be two years, but shall automatically terminate after the customer has closed his account, or at the guarantor's request upon thirty (30) days written notice to the District.
  - (2) Upon termination of a guarantee contract or whenever the District deems such guarantee insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required upon reasonable written notice to the customer. Service to any customer who fails to comply with these requirements may be refused, or upon eight (8) days written notice, disconnected. The District shall mail the guarantor copies of all disconnect notices sent to the customer whose account he has guaranteed unless the guarantor waives such notice in writing.
  - (3) In lieu of a cash deposit or guarantee, an applicant for new service who has an outstanding account accrued within the last six (6) years with the District shall have the right to receive service from the District under a deferred payment agreement as provided in this section for the outstanding account balance.

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## **Sec. 9-2-11 Billing and Payment Procedure for General Service—Metered.**

- (a) **Billing.** Water bills will be issued as determined by the District and become due and payable on the first of the month following the period for which service is rendered.
- (b) **Combined Metering.** When a customer's premises has several buildings each supplied with service and metered separately, the full service charge will be billed for each meter separately, and the readings will not be cumulated. If these buildings are all used in the same business, located on the same parcel, served by a single lateral and are properly connected by the customer, they may be metered in one place. If the District, for its own convenience, installs more than one meter on a single water service lateral, the readings will be cumulated for billing. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are not considered for District convenience and shall not be combined for billing.
- (c) **Deferred Payment Agreement.**
  - (1) The District shall offer Deferred Payment Agreements to residential customers. The Deferred Payment Agreement shall provide that service will not be discontinued for the outstanding bill if the customer pays a stated reasonable amount of the outstanding bill and agrees to pay a stated reasonable portion of the remaining outstanding balance in installments until the bill is paid. In determining what amounts are "reasonable", the District shall consider the:
    - a. Size of the delinquent account.
    - b. Customer's ability to pay.
    - c. Customer's payment history.
    - d. Time that the debt has been outstanding.
    - e. Reasons why the debt has been outstanding.
    - f. Any other relevant factors concerning the circumstances of the customer.
  - (2) In the Deferred Payment Agreement, it shall state immediately preceding the space provided for the customer's signature and in bold face print at least two sizes larger than any other used, the following:

IF YOU ARE NOT SATISFIED WITH THIS AGREEMENT, DO NOT SIGN. IF YOU DO SIGN THIS AGREEMENT YOU GIVE UP YOUR RIGHT TO DISPUTE THE AMOUNT DUE UNDER THE AGREEMENT EXCEPT FOR THE DISTRICT'S FAILURE OR REFUSAL TO FOLLOW THE TERMS OF THIS AGREEMENT.

- (3) A Deferred Payment Agreement shall not include a finance charge.
- (4) If an applicant for service has not fulfilled the terms of a Deferred Payment Agreement, the District shall have the right to disconnect service or refuse service

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in accordance with these rules. Under such circumstances, it shall not be required to offer subsequent negotiations of a Deferred Payment Agreement prior to disconnection.

- (5) Any payments made by the customer in compliance with a Deferred Payment Agreement, or otherwise, shall be first considered made in payment of the previous account balance with any remainder credited to the current bill.
- (d) **Penalties for Nonpayment and Collection of Unpaid Bills.** A late payment charge of one and one-half percent (1½%) per month compounded monthly will be added to bills not paid within twenty (20) days after issuance or by due date, whichever is later. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. The late payment charge is applicable to all customers. The customer may be given a written notice that the bill is overdue no sooner than twenty (20) days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next eight (8) days, service may be disconnected pursuant to Ch. PSC 185, Wis. Adm. Code. All unpaid bills for water service which are due and outstanding as of October 15 shall be collected by the District or its designate in the manner provided by Sec. 66.00809(3) as amended, Wis. Stats.
- (e) **Disconnection and Refusal of Service.** The provisions of Wis. Adm. Code, Ch. PSC 185.37 as amended, are incorporated and adopted by reference as conditions of disconnection and refusal of service. The Town Utility District will charge an Administration Fee for the Disconnection Notice.
- (f) **Form of Disconnection Notice.** The form of disconnection notice to be used shall be:

### DISCONNECTION NOTICE

Dear Customer:

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

You have eight 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 eight days allowed to make reasonable deferred payment arrangement, or other suitable arrangement, we will proceed with disconnection action.

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

If you have entered into a Deferred Payment Agreement with us and have failed to make the deferred payments you agreed to, your service will be subject to disconnection unless you pay the entire amount due within eight 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 deferred 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 District 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 District 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 District, you

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may make an appeal to the Wisconsin Public Service Commission, Madison, Wisconsin.

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### **(g) Reconnection Charges.**

- (1) Where the District has disconnected service at the customer's request prior to expiration of the minimum contract period, a reconnection charge shall be made, payable in advance, when the customer requests reconnection of service.
- (2) A reconnection charge shall also be required from customers whose services are disconnected (shut off at curb stop box) because of nonpayment of bills when due (not included disconnection for failure to comply with deposit or guarantee rules).
- (3) A customer shall be considered as the same customer provided the reconnection is requested for the same location by any member of the same household, or if a place of business, by any partner of the same business.
- (4) No reconnection charge will be applied to the customer if disconnection occurred solely because of general operation and was in no way a result of circumstances specific to the customer or property involved.

## **Sec. 9-2-12 Water Service Charges.**

- (a) **General Service Charges—Metered.** The water service charge to each unit of service shall consist of a minimum monthly charge and an output charge pursuant to the rates and rules on file with the Wisconsin Public Service Commission.
- (b) **Building and Construction Water Service Charges.** The water service charge for water provided for building and construction shall be provided pursuant to the rates and rules on file with the Wisconsin Public Service Commission. Where service is furnished prior to meter installation the minimum monthly charge will be applied until permanent service is established.
- (c) **Bulk Water.** All bulk water supplied from the water system through hydrants or other connections shall be metered, or at the direction of the District, estimated. District personnel or District-approved party shall supervise the delivery of water. Bulk water sales are:
  - (1) Water supplied to tank truck or from hydrant for the purpose of extinguishing fires outside the District's immediate service area;
  - (2) Water supplied by tank truck or from hydrant for purposes other than extinguishing fires such as irrigation or the filling of swimming pools; or

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- (3) Water supplied from hydrants or other temporary connections for general service type applications.

The person requesting the use of bulk water must pay a deposit for the meter and/or valve. The amount of the deposit and the cost of the water provided will be pursuant to the rates and rules on file with the Wisconsin Public Service Commission. Damaged or lost equipment will be repaired or replaced at the customer's expense.

- (d) **General Water Service—Unmetered.** Where the water meter cannot be installed immediately, service may be supplied temporarily on an unmetered basis. Such service shall be billed pursuant to the rates and rules on file with the Wisconsin Public Service Commission.
- (e) **Standby Water Service.** The charge specified in this paragraph shall be applicable to property that is platted and not connected to the water mains but for which facilities have been made available. A standby charge shall apply to each lot or equivalent parcel of land for water system facilities available but not connected. Where more than one lot or equivalent is used as a unit and a customer is connected, the total charge for water service to such customer shall be not less than the standby charge applicable to the several lots on file with the Wisconsin Public Service Commission.
- (f) **Seasonal, Emergency or Temporary Service.** Seasonal customers shall be served at the general service rate on file with the Wisconsin Public Service Commission except that each customer served under this rate shall pay an annual seasonal service charge equal to four times the applicable service charge. Further, if service has been disconnected, the customer will pay a reconnection charge pursuant to the rates and rules on file with the Wisconsin Public Service Commission. Seasonal customers are general service customers whose use of water is normally for recurring periods of less than one (1) year.
- (g) **Failure to Read Meters.** Where the District 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 charged, or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding month will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the bill paid the preceding month. Only in unusual cases or where approval is obtained from the customer shall more than two (2) consecutive estimated bills be rendered. If the meter is damaged 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. Such average use shall be the average of the most comparable recent month. If the customer has been a customer for less than one (1) year, then such average use shall be the average of the available consumption history. If the average use cannot be properly determined, the bill will be estimated by some equitable method.
- (h) **Charges for Water Wasted Due to Leaks.** Water losses that occur on the premises, which are registered by the water meter, shall be the responsibility of the customer. It is the sole responsibility of the customer to prevent leakage in all piping and fixtures on the premises at and beyond the metering point. The District shall inform each customer at least once each year that it is the sole responsibility of the customer to prevent leakage in

all piping and fixtures on the premises at and beyond the metering point, and that any leaks or other losses of water registered by the meter will be billed at the filed rates.

**Sec. 9-2-13 Water Service to Public Buildings.**

- (a) Water service supplied to public buildings, schools, etc., shall be metered and the regular service rates applied.
- (b) Water used for other public purposes such as flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, filling swimming pools, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the gallons of water used shall be estimated, based on the pressure, size of opening, and period of time water is allowed to flow. The estimated quantity shall be billed pursuant to the rates and rules on file with the Wisconsin Public Service Commission.

**Sec. 9-2-14 Claims for Damages.**

- (a) No person shall enter a claim for damage against the Town of Warren, the District, or any officer, for damage to any pipe fixture or appurtenance by reason of interrupted water supply, or variation of pressure, or for damage of any nature whatsoever caused by the turning off, or turning on either wholly or partially, of the water supply, or for the extension, alteration, or repair of any water main on the premises' water supply, or for the discontinuance of the premises' water supply or for the violation of any rules or regulations of the District. No claims will be allowed against the Town, or the District on account of the interruption of the water supply caused by the breaking of pipes or machinery, or by stoppage for repairs on account of fire or other emergency, and no claim shall be allowed for any damage caused by the breakage of any pipe or machinery.
- (b) Owners or operators of motor vehicles will be held for the cost of repair of any hydrant damaged by being hit by a motor vehicle and the District will not be responsible for the damage to the motor vehicle by reason of such accident.
- (c) Contractors must ascertain for themselves the existence and location of all water mains and service pipes. Where they are removed, cut or damaged during any construction the contractor must at his own expense cause them to be replaced or repaired at once. He must not shut off the water service pipes from any consumer for a period exceeding six (6) hours and contractor shall make reasonable efforts to give any such consumer whose water service will be temporarily shut off at least 24 hour's notice prior to shut off.

**Sec. 9-2-15 Enforcement and Abatement.**



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- (a) **Notice of Violation and Special Order of Remedy.** Any person found in violation of this Ordinance or of any prohibition, limitation, or requirement, will be served by the Commission with a written notice stating the nature of the violation and issuing a special order for the appropriate remedy.
- (b) **Appeal Procedure.**
  - (1) ***Appeal to the Commission.*** Any person who objects to any action or decision of the Commission or its designate shall first appeal to the Commission for reconsideration.
    - a. A written notice of appeal shall be filed with the secretary of the Commission within thirty (30) days of the date of the action or decision appealed from.
    - b. The notice of appeal shall state the action or decision of the Commission or its designate appealed.
    - c. The secretary of the Commission shall schedule the appeal for consideration by the Commission at a meeting, open to the public, within thirty (30) days of the filing of the notice of appeal. The secretary shall send notice of the time scheduled for the consideration of the appeal to the appellant at least ten (10) days prior to the hearing.
    - d. Within thirty (30) days of the appeal hearing, the Commission shall affirm, modify, or reverse the action or decision. Notice of the final decision of the Commission shall be sent to the appellant.
  - (2) ***Application of Chapter 68 of the Wisconsin Statutes.*** The provisions of Ch. 68 of the Wisconsin Statutes shall not be applicable to any determination made pursuant to the provisions of this ordinance.
- (c) **Penalties for Violations.** Any person who fails to comply with the provisions of this Ordinance or any rule, order issued shall, upon conviction, forfeit not less than Ten Dollars (\$10) nor more than One Thousand Dollars (\$1,000) for each day such failure continues plus the costs of prosecution. In addition to said forfeiture, the remedial provisions of Sec. 236.31 as amended, and Ch. 823 as amended, of the Wisconsin Statutes relating to public nuisances are incorporated and adopted by reference and shall be enforced when applicable.
- (d) **Falsifying of Information.** No person shall knowingly make any false statement, representation, record, report, plan, or other document filed with the District. Any person who violates this provision shall be subject to the penalties imposed under Section 9-2-15 of this Ordinance.
- (e) **Surreptitious Use of Water.** Sections 98.26 as amended, and 943.20 as amended, Wis. Stats., as relating to water service, are adopted and made a part of these rules.

**Chapter 3 Utility District: Sewer Use**

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**Sec. 9-3-1 Introduction.**

This Ordinance regulates the use of public and private sewers and drains, connections to the Public Sewer System, and the discharge of waters and wastes into the Public Sewer System within the Town of Warren Sewer Utility District. It also provides for and explains the method used for levying and collecting wastewater treatment services charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the aforesaid District to comply with administrative provisions, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the Sewerage System.

**Sec. 9-3-2 General Provisions.**

This Ordinance provides a means for regulating the use of the public sewers, effectuating connections, determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain Users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining the wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Ordinance shall supersede any previous Ordinances, Rules or Regulations of the Town of Warren Sewer Utility District and the Town of Warren relating to the subject matter hereof; and shall repeal all parts that may be inconsistent with this Ordinance. If there is any conflict between this Ordinance and any applicable Wisconsin Statute, the Wisconsin Statute shall control in such instance.

**Sec. 9-3-3 Legal Authority.**

This Ordinance is enacted pursuant to the power and authority conferred by Chapter 60 as amended, of the Wisconsin Statutes and Section 66.0827 as amended, of the Wisconsin Statutes..

**Sec. 9-3-4 Organization.**

The Town of Warren Sewer Utility District is organized as a utility district pursuant to Section 66.0827 as amended, of the Wisconsin Statutes. The Town of Warren Sewer Utility District is hereinafter sometimes referred to as the "Utility District." The Utility District shall have all of the power and authority authorized by applicable statutes; and nothing contained in this Ordinance shall prohibit or otherwise limit the exercise of all such statutory power and authority. In connection with the organization of the Utility District, the following provisions shall control:

- (a) (i) Unless otherwise provided for in section 9-3-4(a)(ii), the Town Board of the Town of Warren shall act as the Commission of the Utility District. The term of office of such members of the Commission of the Utility District shall be concurrent with their terms of office as members of the Town Board. In the event of any vacancy on the Commission, such vacancy shall be filled in the same manner as the filling of a vacancy in the office of a Town Board Supervisor. (ii) As an alternative to Section 9-3-4(a)(i), the Town Board may, by resolution, appoint three (3) persons, who shall be residents of the Town and of the Utility District and shall own property within the Town, as members of the Commission. The term of office for such members shall be three (3) years, and shall be staggered so no more than one (1) member is appointed each year. In making the initial appointments, the Town Board shall appoint one (1) member for a one (1) year term of office, another member for a two (2) year term of office, and the final member for a three (3) year term of office. Any vacancy may be filled by appointment by the Town Board for the remainder of the unexpired term.

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- (b) (i) When the Town Board constitutes the Commission of the Utility District, the Town Board Chair shall be the President of the Commission, the Town Clerk shall be the Secretary of the Commission, and the Town Treasurer shall be the Treasurer of the Commission; except where there is a Town Clerk-Treasurer, in which event, such individual shall be the Commission Secretary-Treasurer. Any vacancy in the offices of President, Secretary or Treasurer shall be filled in the manner applicable to filling vacancies in similar Town offices. (ii) When the Commission has been appointed by the Town Board pursuant to Section 9-3-4(a)(ii) hereof, the Commission shall organize itself by electing one (1) of its members as President. The Town Clerk and the Town Treasurer shall be the Secretary and Treasurer of the Commission as provided for in Section 9-3-4(b) (i) in any event.
- (c) The President of the Commission shall preside at all meetings of the Commission. The Secretary shall keep a separate record of all proceedings and minutes of meetings and hearings of the Commission. The Treasurer shall maintain the accounts of the District pursuant to Section 66.0827 as amended, of the Wisconsin Statutes.
- (d) The Commission may project, plan, construct and maintain a system for the supply and disposal of sewerage, including drainage improvements, sanitary sewers, or all of the improvements or activities or any combination of them necessary for the promotion of the public health, comfort, convenience or welfare of the said Utility District. Without intending to limit the generality of the foregoing, the Commission may:
  - (1) With the approval of the Town Board, sell any of its services to Users inside or outside of the corporate limits of the Town.
  - (2) Fix and collect charges for sewerage service.
  - (3) Employ attorneys, engineers, and other persons to assist it in the performance of its work.
- (e) The Commission shall meet at such times and places as it deems appropriate; and shall adopt such rules and procedures relative to its meetings as it may reasonably require.
- (f) The Town Board, acting for the benefit of and on behalf of the Utility District, may levy special assessments to finance the activities of the District and may acquire property by means of eminent domain for public purposes on behalf of the District.
- (g) The fiscal year of the District shall be the calendar year.

### **Sec. 9-3-5 Authority of Town.**

Nothing contained in this Ordinance shall be construed in any way as limiting the statutory authority of the Town and the Town Board, to act with respect to the subject matter of this Ordinance. The Town, by adoption of this Ordinance, is enacting the Ordinance within the territories comprising the Utility District. In the event of any challenge to the legal authority of the Commission to enact this Ordinance, or any portion, this Ordinance shall nevertheless be

effective and applicable by virtue of its adoption and enactment by the Town and Town Board pursuant to Chapter 60 of the Wisconsin Statutes.

**Sec. 9-3-6 Curative Provisions.**

All acts or actions performed or done by or on behalf of the Commission or the Utility District prior to the effective date of this Ordinance, are hereby ratified, confirmed and declared to be valid.

**Sec. 9-3-7 Definitions.**

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

- (a) **Approving Authority** of the Utility District shall mean its Commission or its duly authorized committee, agent, or representative.
- (b) **Building Drain** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building or structure and conveys it to the Building Sewer.
- (c) **Building Sewer** shall mean the pipe extension beginning at the outside of the inner face of the building wall, to a point of connection with the public sewer.
- (d) **Carbonaceous Biochemical Oxygen Demand (CBOD)** shall mean the quantity of oxygen used in the biochemical degradation of organic material in five (5) days at 20° C when the oxidation of reduced forms of nitrogen is prevented by the addition of an inhibitor. This analytical procedure shall be performed in accordance with Standard Methods.
- (e) **Commission** shall mean the Commission of the Utility District.
- (f) **Compatible Pollutants** shall mean carbonaceous biochemical oxygen demand, suspended solids, total kjeldahl nitrogen, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutant if such works were designed to treat such additional pollutants to a substantial degree.
- (g) **Debt Service Charges** shall include all costs associated with repayment of debt(s) incurred for the construction and/or rehabilitation of the wastewater collection system and treatment facility.
- (h) **Floatable Oil** shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection of treatment system.
- (i) **Garbage** shall mean the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.
- (j) **Ground Garbage** shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particulates will be no greater than one

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half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.

- (k) **Incompatible Pollutants or Wastewater** shall mean wastewater with pollutants of such strength that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to the Sewerage System facility.
- (l) **May** is permissible.
- (m) **Measurement.** The unit of volume measurement for for calculating User Charges of wastewater or other wastes discharged into the Utility District's Sewerage System shall be 1,000 gallons, United States Liquid Measure. The unit for assessing costs with respect to strength wastewater parameters shall be avoirdupois pounds.
- (n) **Municipal Wastewater** shall mean the wastewater of a municipality, including that of the Utility District. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residential and institutions, together with any groundwater, surface water, and storm water that may have inadvertently entered the Sewerage System of the municipality.
- (o) **Natural Outlet** shall mean any outlet, including storm sewers, into a water course, pond, ditch, lake or other body of surface water or groundwater.
- (p) **Normal Domestic Strength Wastewater** shall mean wastewater with concentrations of CBOD, suspended Solids, total Kjeldahl, Nitrogen, and Total Phosphorous no greater than 200, 250, 40 and 10 milligrams per liter (mg/L), respectively.
- (q) **Normal User** shall be a User whose contributions to the Sewerage System consist only of Normal Domestic Strength Wastewater originating from a house, apartment, or other living quarters occupied by a person or persons constituting a distinct household.
- (r) **Parts Per Million** shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- (s) **Person** shall mean any and all persons, including any individual, firm, company, municipal or private corporations, association, society, institution, enterprise, government agency, or other entity.
- (t) **pH** shall mean the logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $10^7$ .
- (u) **Public Sewer** shall mean any sewer owned or provided by or subject to the jurisdiction of the Utility District or any other municipality.
- (v) **Operation and Maintenance Costs** shall include all costs associated with the operation and maintenance of the Sewerage System, including but not limited to administrative costs and expenses.
- (w) **Replacement Costs** shall include all costs necessary to replace equipment as required to maintain capacity and performance during life of the sewerage facilities. When required by the appropriate authority having jurisdiction, a separate, segregated, distinct replacement fund shall be established and used exclusively for replacement of equipment.

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- (x) **Sanitary Sewage** shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may have inadvertently entered the Sewerage System.
- (y) **Sanitary Sewer** shall mean a sewer that carries liquid and water-carried wastes from residences and institutions, together with small quantities of ground, storm, and surface waters that are not admitted intentionally.
- (z) **Sewer Service Charge** is a service charge levied on Users of the wastewater collection and treatment facilities for payment of use-related capital expenses as well as the operation and maintenance costs, including replacement costs, of said facilities.
- (aa) **Sewer System** means the public sanitary sewers within a Sewerage System. Any sewerage facilities located on private property, ie: laterals, and septic tanks are specifically excluded ; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost effective and are owned and maintained by the Utility District.
- (bb) **Sewerage System** means all structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main
- (cc) **"Shall"** is mandatory.
- (dd) **Slug Load** shall mean any substance release at a discharge rate and/or concentration which causes interference to wastewater treatment processes or plugging or surcharging of the sewer system.
- (ee) **St. Croix County Sanitary Ordinance** shall mean the Sewer Use Ordinance of the St. Croix County, Wisconsin, Chapter 12 as amended, St. Croix County of Ordinances, Land Use and Development.
- (ff) **Standard Methods** shall mean 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 Water Pollution Control Federation and is in compliance with Federal Regulations 40 CFR 136 as amended, "Guidelines Establishing Test Procedures for Analysis of Pollutants,".
- (gg) **Stats.** shall mean the current version of the Wisconsin Statutes.
- (hh) **Storm Drain** (sometimes termed "STORM SEWER") shall mean drain or sewer for conveying surface water, groundwater, subsurface water or unpolluted water from any source.
- (ii) **Storm Water Runoff** shall mean that portion of the rainfall that is collected and drained into the storm sewers.
- (jj) **Suspended Solids** shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and that are removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as nonfilterable residue.
- (kk) **Total Phosphorous (TP)** shall mean the quantity of total phosphorous as determined in accordance with the Standard Methods.

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- (ll) **Town** shall mean the Town of Warren, a municipal corporation located in St Croix County, Wisconsin.
- (mm) **Town Board** shall mean the Town Board of the Town.
- (nn) **Users** shall mean persons or entities connected to the Public Sewer System of the Town Utility District.
- (oo) **Utility District (or District)** shall mean the Town of Warren Sewer Utility District.
- (pp) **Total Kjeldahl Nitrogen (TKN)** shall mean the quantity of organic nitrogen and ammonia as determined in accordance with Standard Methods.
- (qq) **Wastewater Facilities** shall mean the structures, equipment, and processes required to collect, carry away, store, and treat domestic waste and dispose of the effluent and sludge.
- (rr) **Wastewater Treatment Works** shall mean an arrangement of devices and structures for treating wastewater, and sludge.
- (ss) **Watercourse** shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

## **Sec. 9-3-8 Management.**

The management, operation, and control of the sewer system for the Utility District shall be vested in the Commission. All records, minutes and all written proceedings shall be kept by the secretary. The treasurer shall keep all the financial records.

## **Sec. 9-3-9 District's Construction Authority.**

The Commission shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the public alleys, streets, and public grounds located within the District; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Utility District shall have power by itself, its officers, agents, and servants, to enter upon any land in the District for the purpose of making examination or supervise in the performance of its duties under this Ordinance, without liability therefore; and the Utility District shall have power to purchase and acquire for the District all real and personal property which may be necessary for construction of the Sewerage System, or for any repair, remodeling, or additions.

## **Sec. 9-3-10 Owner's Maintenance of Building Sewer.**

The owner of property abutting a public sewer shall maintain sewer service from the public sewer main to the structure or building on the owner's property, including all controls between the same, without expense to the Utility District, except when they are damaged as a result of negligence or carelessness on the part of the Utility District. Without intending to limit the



generality of the foregoing, the owner has the sole responsibility for the repair and maintenance of all Building Sewers; and the ownership shall at all times be vested in such property owner. All sewer services must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any sewer service is to be relaid and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building. In the event of any obstruction of, damage to or repair of a Building Sewer, the same shall be the responsibility of the property owner, except as provided for in Section 9-3-14(f) or as otherwise provided for herein.

### **Sec. 9-3-11 Title to Real Estate and Personal Property.**

All property, real, personal, and mixed, including but not limited to easements acquired for the construction of the Utility District sewer system, and all plans, specifications, diagrams, papers, books and records, and all buildings, machinery, and fixtures shall be the property of and titled in the name of the Town for the benefit of the Utility District. Nothing contained in this Ordinance shall be construed as revoking, changing, abandoning or otherwise altering any conveyance of property previously made to the Utility District prior to the effective date of this Ordinance; and such title shall be deemed to be vested in the Town as provided for herein.

### **Sec. 9-3-12 Authority of the Commission.**

Nothing contained in this Ordinance shall be construed as limiting the power and authority of the Commission or the Utility District as provided for by applicable Wisconsin Statutes; and the Commission and the Utility District shall have all rights and authority as provided for by law.

### **Sec. 9-3-13 Additions to District.**

Territory may be added to the District in the manner provided for by law. In the event of any such addition, the Commission may condition the provision of sewer service to such territory upon the owner making such contributions, dedications and payments as the Commission may reasonably require in order to provide such sewer service.

### **Sec. 9-3-14 Administrative Rules and Regulations.**

The following rules and regulations for the government of licensed plumbers, sewer Users, property owners and others, are hereby adopted and established:

(a) **General Provisions.**

- (1) **Agreement to Rules and Regulation.** All persons now receiving sewerage service from the Utility District or who may hereafter make application for such

service or who otherwise receive such service, shall be considered as having agreed to be bound by all of the terms and provisions of this Ordinance; and such agreement is a condition of receiving such sewerage service.

- (2) ***Application for Service.*** Unless waived by the Commission, every person desiring to connect property, buildings or structures to public sewers shall make application in writing to the Utility District on such forms as are prescribed for that purpose, prior to commencing use of such service. The application must describe fully and truthfully all the wastes which are anticipated to be discharged. If the applicant is not the fee simple owner of the property, the written consent of the owner must accompany the application. Persons connected to the Public Sewer System of the Utility District are defined as "Users." By submitting such an application, all Users are deemed to have agreed to be bound by this Ordinance. If it appears that the service applied for will not provide adequate service for the contemplated use, the Commission may reject the application. If the Commission or its authorized agent approves the application, a connection permit as shown on the application shall be issued. No service shall be provided or application approved without prior payment of all applicable fees.
- (3) ***Application Fee.*** Where the application for service is for a connection to the District's public sewers, the application shall be accompanied by an Application Fee in an amount to be determined by Resolution of the Commission. Such fee shall cover the cost of processing the application and inspection of the connection. Application Fees may vary in amount between residential Users. The payment of this fee shall be in addition to any Connection Fees that may be charged to new Users by the Commission or by St. Croix County Sanitary Ordinance.
- (4) ***Inspections.*** Any connection to the Public Sewers within the District shall be subject to the prior inspection and approval of the work by an authorized representative of the Commission. No trench or other excavation shall be filled, or any connection completed, without such prior inspection. The applicant requesting the connection shall reimburse the District for all inspection costs incurred, if not previously paid as part of the Application Fee.
- (5) ***Disconnection and Refusal of Service.*** Sewer service may be disconnected or refused for any of the following reasons:
  - a. Violation of this Ordinance,;
  - b. Violation of the St. Croix County Sanitary Ordinance,;
  - c. Failure to pay the Application Fee, any connection Fee or delinquent account of the User.
- (6) ***Disconnection for Delinquent Accounts.*** A bill for service is delinquent if unpaid after the due date shown on the bill. The Utility District may disconnect service for a delinquent bill by giving the User, at least eight calendar days prior to disconnection, a written disconnect notice. For purposes of this rule, the due date shall not be less than twenty days after issuance of the bill. The Utility District may disconnect without notice where a dangerous condition exists. Public

Sewer Service will be restored after the dangerous condition as been remediated. Service may be denied to any User for failure to comply with the applicable requirements of these rules and regulations or if a dangerous or unsafe condition exists on the User's property.

- (7) **Subsequent Amendments.** The Commission reserves the right to subsequently amend, and modify, any provisions of this Ordinance, with the approval of the Town Board.
- (b) **Plumbers.** No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the Sewerage System without first receiving a license from the State of Wisconsin and obtaining permission from the Utility District. All service connections to the sewer main shall comply with the State plumbing code,.
- (c) **Building Sewer Connection Expense.** Persons attaching to a Public Sewer shall have the Building Sewer installed at their own cost and expense.
- (d) **Tap Permits.** After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work exhibits the proper permit for the same from the Utility District.
- (e) **Obstruction of Building Sewers in Public Right of Ways.** In the event of any blockage, damage or break in any Building Sewer, which occurs within any public right of way, the Utility District shall have the exclusive right and option to repair the Building Sewer within the public right of way. In such event, the owner of the Building Sewer shall reimburse the District for all costs incurred within 30 days of the date of billing. If not so reimbursed, the same shall be added to the owner's sewer service charges and collected in the same manner.
- (f) **Backflow Preventer.** All floor drains shall have a backflow prevention valve installed at the owner's expense.
- (g) **No Unauthorized Use.** No User shall allow other persons or other services to connect to the sewer system through their lateral or Building Sewer.
- (h) **Discontinuance of Service.** Whenever any person desires to discontinue sewer service from the system, the Utility District must be notified in writing prior to such disconnection. Disconnection shall only be allowed where a structure is demolished. The fact that a structure is vacant shall not entitle the property owner to discontinue sewer service or to an abatement of sewer service charges. Any disconnection must conform to the Wisconsin State Plumbing Code.
- (i) **User to Permit Inspection.** Every User shall permit the Utility District or its duly authorized agent, at all reasonable times, to enter their premises or building to examine the pipes and fixtures, and the operation of the drains, and sewer connections; and the User must at all times answer all questions put to them relative to its use, all in accordance with this Ordinance and Sec. 196.171 as amended, Stats., to the extent applicable.

- (j) **Utility District Responsibility.** No claim shall be made against the Utility District or its commissioners, agents, employees and representatives by reason of the breaking, clogging, stoppage, or freezing of any pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off sewer service at any time for the purpose of repairs or any other necessary purpose. Whenever it shall become necessary to shut off the sewer within the Utility District, the Utility District shall, if practicable, give notice to each and every User within the affected area of the time when such service will be shut off and an estimated time of restoration of service.
- (k) **Excavations Within Public Right of Way.**
- (1) In making excavations in public streets or other public highways for laying pipe or making repairs, the paving and the earth removed must be deposited in a manner that will result in the least inconvenience to the public. Prior to commencing any such excavations, an Excavation Permit shall be obtained from the Town. The person making application for such permit shall comply with all terms and conditions as the Town may impose with respect to such excavation. The person obtaining the permit shall guarantee that all repair of streets and the construction of facilities shall be free from defect in material and installation for a period of one (1) year following completion of construction. No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations. In refilling the opening after the pipes are laid, the earth must be laid in such layers and with such composition and compaction as the Commission shall require. All excavations shall comply with other applicable ordinances, rules or regulations of the Town. No opening of streets for tapping the pipes will be permitted when the ground is frozen, except in emergency situations or except as the Commission may otherwise expressly allow in writing.
- (2) Any excavation performed under this subsection (1) shall be subject to the inspection of the Town and the Utility District, and no work shall be deemed completed unless and until accepted by the Town or the District as the case may be. All work performed under this subsection (1) and the inspection shall be at the cost of the person obtaining the excavation permit described herein.
- (l) **Connections.** Connections to the sewer system other than Building Sewer connections, shall be done only in accordance with the Department of Commerce Plumbing Code.
- (m) **Installment of Building Sewers.** All Building Sewers on private property shall be installed in accordance with State of Wisconsin Administrative Code Chapter ILHR 82 as amended, "Design, Construction, Installation, Supervision, and Inspections of Plumbing,". As required by Section ILHR 82.21 (1) (d), Part 2 as amended, all building sewer systems shall be inspected. The Building Sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling.

- (n) **New Connections.** New connections to the District's Sewerage System will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities of the Utility District.

**Sec. 9-3-15 Use of the Public Sewer.**

- (a) **No Clean Water Discharges.** No person shall discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof rain, subsurface, drainage or collecting water to any sanitary sewer.
- (b) **Compliance with this Ordinance and St. Croix County Sanitary Ordinance.** No person shall discharge wastes into a public sewer within the Utility District, except in accordance with the provisions of the St. Croix County Sanitary Ordinance.
- (c) **No Discharge to Violate General Permit for Bypassing.** No person shall discharge or cause to be discharged any waters, wastewaters or other substances of any kind or nature that will result in or otherwise cause a violation of any General Permit For Bypassing issued by the Wisconsin Department of Natural Resources and held by the Utility District.

**Sec. 9-3-16 Sewer User Charge System.**

- (a) **Policy.** It shall be the policy of the Utility District to obtain sufficient revenues to pay the costs of the operation and maintenance of the Sewerage System, including debt service and a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing replacement equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the Sewerage System through a system of sewer service charges as defined in this Chapter. The system shall assure that each User of the Sewerage System pays their fair and proportionate share of the cost of such facilities.
- (b) **Sewer Service Charge Generally.** Sewer Service Charges to each User shall be based on wastewater parameters established by the Commission. The Sewer Service Charges shall consist of the sum of the annual Debt Service Charges, all annual Operation and Maintenance Costs, all Replacement Costs, and all Sewer Service Charges levied or assessed by the Utility District.
- (c) **Annual Review.** The Sewer Service Charges of the District shall be reviewed not less than annually. Sewer Service Charges shall be adjusted, as required, to reflect actual number and size of Users and actual costs. Users will be notified annually of the portion of such Sewer Service Charges attributable to Operation and Maintenance, Debt Service, and Replacement Costs. The Commission may satisfy this notice requirement by including in the budget summary required to be published under Section 65.90 as

amended, Stats., a statement of the components of the Sewer Service Charges, based on the results of operations for the preceding fiscal year.

- (d) **Sewer Service Charges.** A Sewer Service Charge is hereby imposed upon each lot, parcel of land, building, or premise served by the public sewer or otherwise discharging sewage into the Public Sewer System. Such Sewer Service Charge shall be payable as hereinafter provided and in amount determined as follows:

- (1) **Category A.** Service Charges shall be imposed on each User whose water use is metered and whose sewer discharges are Normal Domestic Strength Wastewater. The Category A Service Charge is of the following form:

Service Charge = Customer Charge + Volume Charge.

Customer Charge = A flat rate based on the size of the water meter.

Volume Charge = The volume of metered water in thousands of gallons multiplied by the volume rate.

Volume Rate = The volume unit price for sewer service expressed in dollars per 1,000 gallons, as determined by the Commission

- (2) **Category B.** Service Charges shall be imposed on each User whose water use is not metered and whose sewage discharges are Normal Domestic Strength Wastewater. The Category B Sewer Service Charge shall be of the form as follows:

Service Charge = Equivalent Residential Units ("ERUs") multiplied by the Equivalent Residential Unit Rate ("ERU Rate").

A Single ERU = Shall mean a single family residential dwelling unit that discharges Normal Domestic Strength Wastewater.

ERU Rate = The average cost of providing wastewater service to a residential customer for one calendar quarter, plus a proportionate share of the administrative and billing costs of the District.

No User shall be assigned less than one ERU. The number of Residential Unit Equivalents for non-residential Users shall be as determined by the Commission by resolution.

- (3) **Reassignment of Categories of Sewer Users.** The Utility District may reassign sewer Users into appropriate Sewer Service Charge Categories if wastewater sampling programs and other related information indicate a change of categories is necessary or otherwise required.
- (e) **Rate Determinations.** The Commission shall determine each year, the rates referred to in subsection 9-3-16(f); and the Commission shall have the right to amend, modify, adjust or change the rates at any time.

### **Sec. 9-3-17 Discharge of Holding Tank Waste and Other Waste.**

- (a) **Prohibition of Discharge into District's Public Sewers.** No person, including a Licensed Disposer, shall discharge any Holding Tank Waste, or any other similar waste, into any manhole or other opening in a public sewer owned or maintained by the Utility District.

### **Sec. 9-3-18 Billing and Payment of Sewer Service Charges.**

- (a) **Calculation.** Sewer Service Charges that are to be assessed to Users shall be computed by the Utility District according to the rates and methodology presented in Sec. 9-3-16 of this Ordinance.
- (b) **Billing.** Sewer Service Charges shall be billed to each User on a quarterly basis (or more frequently if so determined by the Commission). Such charges shall be payable to the Utility District not later than twenty (20) days after the date of the bill, unless the Utility District has extended the time for payment.
- (c) **Penalty for Delinquent Payments.** A penalty equal to one and one-half (1.5%) percent per month of the delinquent amount shown on any bill for services, shall be added to all bills not paid by the date fixed for final payment. In the event the amount of the bill is placed on the tax rolls pursuant to Section 9-3-18(d)(2), an additional penalty as determined by the Town Board shall be imposed for each tax statement so issued.
- (d) **Remedies for Failure to Make Payments.**
  - (1) **Suit.** Sewer Service Charges, Connection Fees or other charges due from any person or User shall be deemed to be a debt due to the Utility District from that person or User. If Sewer Service Charges, connection Fees, or other charges are not paid when due, the Commission may, on behalf of the Utility District, commence an action in a court of competent jurisdiction, and recover from such persons or User the amount of charges or fees, and damages, if any, sustained by the Utility District as a result of such failure to pay, together with attorneys fees

incurred in collecting said sums, court costs and such other costs and expenses as may be allowed by law.

- (2) **Lien on Property.** As an alternative to subsection (1), the Commission may direct that unpaid Sewer Service Charges, Connection Fees, or other charges due from any person or User shall be collected and taxed and shall be a lien upon the property served in the manner provided for in Section 66.0703 as amended, Stats.
- (e) **Obligation for Payment.** The obligation for payment of Sewer Service Charges, Connection Fees or other charges due the Utility District shall be a joint and several obligation of the User and property owner, where the User and property owner are not the same person.
- (f) **Remedies Cumulative.** All remedies provided for in this Ordinance are distinct and cumulative to any other right or remedy under this Ordinance or any other Ordinance of the District or afforded by law or equity; and may be exercised by the Commission concurrently, independently, or successively.
- (g) **Disposition of Revenue.** The amounts received from the collection of Sewer Service Charges authorized by this Ordinance shall be credited to the sanitary sewerage account which shall show all receipts and expenditures of the Sewerage System. Charges collected for Replacement Expenses shall be credited to a segregated, nonlapsing Replacement Account. These funds are to be used exclusively for replacement.

When appropriated by the Commissioners of the Utility District, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs, and depreciation of the Sewerage System consistent with 40 CFR 35.929 as amended. Any account surplus outside the purview of 40 CFR 35.929 as amended, shall be available for the payment of principal and interest of present and future obligations issued and outstanding to provide funds for the Sewerage System, or to pay all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness. All present outstanding sewer system obligations, including refunding obligations, shall be paid from this fund as to both principal and interest, unless otherwise required by law.

- (h) **Excess Revenues.** Excess revenues, as determined by the Commission in its sole discretion and as collected from a User class will be applied to operation and maintenance costs attributable to that class for the next year.

### **Sec. 9-3-19 Audit.**

Unless otherwise required by applicable statutes, the Utility District shall conduct an annual compilation, or an independent Annual Audit, the purpose of which shall be to maintain the proportionality between Users and User classes of the User charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement



costs and debt retirement. A summary of the findings and recommendations of this audit shall be available in writing as determined by the Commission.

**Sec. 9-3-20 Connection Charges.**

- (a) **Utility District Connection Charges.** For each connection of a Building Sewer to a public sewer within the Utility District, there shall be paid to the Utility District a Connection Charge. Such Connection Charge shall be assessed to the person seeking the connection and shall be paid prior to the actual connection. The Connection Charge of the Utility District shall be in such amounts and shall be paid at such time as the Commission may determine by resolution.
- (b) **Remedies for Failure to Pay.** The failure to pay any Connection Charge is a violation of this Ordinance; and the Commission may pursue all rights and remedies provided for herein.

**Sec. 9-3-21 Violations, Abatement Procedures and Penalties.**

- (a) **Violations Constituting Public Nuisance.** A violation (other than the failure to pay sewer service Charges or other fees or costs due under this Ordinance) of any provision of this Ordinance or any other rule or order of the Commission is hereby declared to be a public nuisance.
- (b) **Damage to District Property.** No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure of equipment which is a part of the District's Sewerage System. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- (c) **Enforcement.** The Commission shall have the right to enforce the provisions of this Ordinance on behalf of the Utility District and shall make periodic inspections to insure that such provisions are not violated. No action shall be taken under this Chapter to abate a public nuisance unless an inspection has confirmed that a nuisance does in fact exist.
- (d) **Summary Abatement.** If the Commission determines that a public nuisance exists within the District and that there is great and immediate danger to the public health, safety, or welfare, the Commission may cause the same to be abated and charge the cost to the owner, occupant, or person causing, permitting, or maintaining the nuisance.
- (e) **Abatement After Notice.** If the Commission determines that a public nuisance exists on private premises but that the nature of such nuisance does not present great and immediate danger to the public health, safety, or welfare, the Utility District shall serve notice to the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the Commission shall cause the nuisance(s) to be removed as provided in subsection (d).

- (f) **Other Methods Not Excluded.** Nothing in this Ordinance shall be construed as prohibiting the abatement of public nuisances by the Utility District or the Town or its officials in accordance with the laws of the State of Wisconsin.
- (g) **Court Order.** Except when necessary under subsection (d), the Commission shall request permission to enter upon private property to abate a public nuisance, if such premises are occupied, and if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of public nuisance.
- (h) **Cost of Abatement.** In addition to any other penalty imposed by this Chapter for a public nuisance, the cost of abating a public nuisance by the Utility District shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance, and such cost shall be assessed against the real estate as a special charge. Costs shall include but not be limited to actual attorneys fees and court costs.
- (i) **Continued Violations.** Any person who shall continue any violation beyond the time limit provided, shall forfeit not less than \$500.00 nor more than \$1,000.00 together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the St Croix County Jail for a period of not to exceed thirty (30) days. Upon conviction, each day in which any violation is continued beyond the time limit shall be deemed a separate offense.
- (j) **Liability to District for Losses.** Any person violating any provision of this Ordinance shall become liable to the Utility District for any expense, loss, or damage incurred by the Utility District due to such violation.
- (k) **Accidental Discharge.** Any person found to be responsible for accidentally allowing a deleterious discharge into the Sewerage System which causes damage to the Sewerage System and/or a receiving body of water (e.g., lake, river, stream, etc.) shall, in addition to a fine, be liable for all damages, both of which will be determined by the Utility District or other governmental authority having appropriate jurisdiction.
- (l) **Accidental Discharge Reporting.** Any person responsible for an accidental discharge that may have a detrimental impact on the Sewerage System shall immediately report the nature and amount of the discharge to the Utility District.
- (m) **Liability to Utility District for Losses.** Any person violating any provision of this Ordinance shall be liable to the Utility District for any expense, attorney's fees, costs, engineering fees, loss, or damage incurred by the Utility District due to such violation. The Commission shall have the right of recovery from all such persons any expense incurred by the District for the repair or replacement of any part of the Public Sewer System damaged in any manner by any person by the performance of any work under its control, or by any negligent acts.

**Sec. 9-3-22 Appeals.**

- (a) **Administrative Determinations Subject to Review.** Only administrative determinations described in Section 68.02 as amended, Stats., are subject to review under this section. Notwithstanding anything to the contrary contained herein, any determinations involving Sewer Service Charges, Application Fees, Connection Charges, or any other fees or costs due under this Ordinance are not subject to review. Any determinations involving the levying and assessment of special assessments or any of the determinations described in Section 68.03, Stats., are not subject to such review.
- (b) **Procedure for Review.** Any person having a substantial interest which is adversely affected by an administrative determination of the Commission or any agent shall make a written request to the Commission for a review of the administrative determination. Such request shall be submitted to the commission within fifteen (15) days following the determination in question. The request shall state the name and address of the person seeking the review, describe the circumstances surrounding the determination and state the grounds upon which that the determination should be modified or reversed.
- (c) **Hearing.** Upon receipt of a request for review under subsection (b), the person seeking the review shall have a hearing before the Commission; provided the provisions of subsection (d) are satisfied. The hearing shall be held within sixty (60) days from the date of receipt of the request at a time and place determined by the Commission. The Commission shall notify such person, by mail or personal service, at least ten (10) days before such hearing of the time and place of the hearing. Except as otherwise provided for herein, the hearing shall be conducted in accordance with Section 68.11(2) as amended, Stats.
- (d) **Appeal Fees.** Any appeal to the Commission under subsection (b), shall be accompanied by a non-refundable review fee of Fifty and No/100 Dollars (\$50.00). In the event the person seeking review desires the hearing proceedings to be taken by stenographer or by a recording device, the expense shall be paid by the person seeking the review.
- (e) **Decision and Appeal.** Within thirty (30) days of completion of the hearing under subsection (c) and the filing of briefs, if any, the Commission shall make its written determination on the request for review. Such determination shall be mailed or delivered to such person at the address set forth in the request for review. The decision of the Commission may be subject to judicial review under section 68.13 as amended, Stats., in the manner provided.
- (f) **Application of Chapter 68 of the Wisconsin Statutes.** Except as to those specific statutes expressly incorporated herein, the Commission elects not to be governed by any other provision of Chapter 68 as amended, of the Wisconsin Statutes, as amended.
- (g) **Costs.** In the event the Commission does not modify or reverse the administrative determination in question following the hearing, or in the event the administrative determination is sustained on appeal under Section 68.13 as amended, Stats.,

**Sec. 9-3-23 Septic Systems.**

- (a) **Septic Tanks Prohibited.** The maintenance and use of a septic tank or other private sewerage disposal system by any owner of land located within the Utility District, where such land is adjacent to a public sewer main, and who has failed to connect to the District's Sewerage System, is hereby declared to be a public nuisance and a health hazard. Such nuisance and hazard shall be abated; and damages and costs recovered in accordance with Chapter 823 as amended, of the Wisconsin Statutes.
- (b) **Septic Systems Allowed.** In certain isolated locations within the boundaries of the Utility District it may be necessary for the owners of certain properties not served by the District's sanitary sewer system to continue the maintenance and use of a septic tank or other private sewerage disposal system. Such maintenance and use shall be considered as a temporary wastewater disposal system and is subject to the review and approval of the Commission of the District. The review and approval will be on a case by case basis, with each case determined upon its particular facts and circumstances.

**Sec. 9-3-24 Validity.**

- (a) **Repeal of Conflicting Ordinances.** All ordinances, resolutions, orders or parts adopted or enacted, which are in conflict with this Ordinance shall be and the same are hereby repealed.
- (b) **Savings Clause.** If any provision of this Ordinance is found invalid or unconstitutional or if the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or other applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.
- (c) **Amendments.** The Town Board and the Commission may amend this Ordinance in part or in whole at any time whenever they may deem it necessary.