

**TITLE 9** Public Utilities – Village of Gays Mills

**TITLE 9**

Public Utilities

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**CHAPTER 1**

Water Utility Regulations and Rates

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## ARTICLE A

### Rates and Charges

#### SEC. 9-1-1 UTILITY RATE AND REGULATIONS

The rates and regulations established from time to time by the Wisconsin Public Service Commission are hereby incorporated into this Code by reference as if fully set forth herein.

#### SEC. 9-1-2 CROSS CONNECTION CONTROL PROGRAM

- (a) In order to protect the public water supply system, the Village of Gays Mills hereby establishes a comprehensive cross connection control program for the elimination of all existing unprotected cross-connections and prevention of all future un-protected cross connections to the last flowing tap or end-use device. Low hazard areas consist of normal kitchen and bathroom fixtures. The water supplier shall keep a current record of the cross connection control program available for annual review by the department. The cross connection control program shall include:
- (b) **Definition.** "Cross connection" shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Gays Mills water system, and other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- (c) **Prohibition.** No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any unprotected cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the Village of Gays Mills may enter the supply or distribution system of the Village of Gays Mills, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have prior approval by the Water Department of the Village of Gays Mills and the Wisconsin Department of Natural Resources in accordance with Section NR 810.15(2), Wisconsin Administrative Code.
- (d) **Program Schedule/Duty to Inspect.** It shall be the duty of the Village Board of the Village of Gays Mills to cause surveys/inspections to be made of all properties served by the public water system where cross connection with the public water system is deemed possible. Unless otherwise authorized by the Department of Natural Resources, a survey/inspection shall be conducted for every residential service a minimum of once every ten years or on a schedule matching meter replacement. A survey/inspection shall be conducted for every industrial, commercial and public authority service a minimum of once every 2 years. Commercial properties of similar or lesser risk to residential properties may follow the same schedule as residential properties. Completed survey/inspection results shall be maintained by the Water Utility until corrections and follow up surveys/inspections have been made.
- (e) **Entry for Purposes of Inspection.** Upon presentation of credentials, a representative of the Village of Gays Mills shall have the right to request entry at any reasonable time to examine a property served by a connection to the public water system of the Village of Gays Mills for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Section 66.0119, *Wis. Stats.* On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.
- (f) **Discontinuance of Service.** The Village of Gays Mills Water Department is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity

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for hearing under Chapter 68, *Wis. Stats.*, except as provided in Subsection (g) of this Section. Water service to such property shall not be restored until the cross connection/connections has or have been eliminated in compliance with the provisions of this Section.

- (g) **Immediate Discontinuance of Service.** If it is determined by Water Department of the Village of Gays Mills 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 Clerk-Treasurer of the Village of Gays Mills and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, *Wis. Stats.*, within ten (10) days of such emergency discontinuance.
- (h) **Methods and Devices.** The methods and devices used to protect the water supply of the Village shall be as described in and shall comply with the State Plumbing Code of Wisconsin, being Chapter SPS 382 of the Wisconsin Administrative Code, which is adopted herein by reference.”  
State Law Reference: Chapter 68, Section 66.0119, *Wis. Stats.*; Section NR 810.15, Wisconsin Administrative Code.

### SECTION 9-1-3 WELL ABANDONMENT

- (a) **Title/Purpose.** As Chapter NR 810.16, Wisconsin Administrative Code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or non-complying wells located on the premises served by their system, by local ordinance or water utility rule, to prevent such wells as acting as channels for contamination or vertical movement of water and to eliminate all existing cross-connections and prevent all future cross-connections, the Village adopts this Ordinance to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or non-complying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.
- (b) **Applicability.** This Section applies to all wells located on premises served by the Village of Gays Mills municipal water system.
- (c) **Definitions.** For purposes of this Section, the following terms shall have the following meanings:
- (1) "Municipal water system" means the system for the provision to the public of piped water for human consumption within the Village of Gays Mills provided such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) year round residents owned or operated by a city, village, town, town sanitary district, utility district, or public institution as defined in Section 49.10(12)(f)1., *Wis. Stats.*, or privately owned water utility serving any of the above.
  - (2) "Noncomplying" means a well or pump installation which does not comply with the provisions of Chapter NR 812 of the Wisconsin Administrative Code in effect at the time the well was constructed, a contamination source was installed, the pump was installed, or work was done on either the well or pump installation.
  - (3) "Pump installation" means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections; pitless adapters, pressure tanks, pits, sampling faucets, and well seals or caps.
  - (4) "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances contrary to the standards in Chapters NR 809 845 of the Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Wisconsin Department of Natural Resources.
  - (5) "Unused" means a well or pump installation which is not in use or does not have a functioning pumping system.
  - (6) "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.

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- (7) "Well abandonment" means the filling and sealing of a well according to the provisions of Chapter NR 812 of the Wisconsin Administrative Code.
- (d) **Abandonment Required.** All wells or pump installations located on premises served by the municipal water system and which are unused, unsafe or fail to comply with Chapter NR 812 of the Wisconsin Administrative Code, shall be abandoned in accordance with the terms of this Section and Chapters NR 811 and 812 of the Wisconsin Administrative Code no later than one (1) year from the date of connection to the municipal water system; provided, however, that a well operation permit may be obtained by the well owner from the Village of Gays Mills if the conditions specified in Subsection (e) are met.
- (e) **Well Operation Permit.** The Village Board may grant a permit to a private well owner to operate a well for a period not to exceed five (5) years provided the conditions of this Subsection are met. The Village, or its agents, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit or renewal. Permit applications and renewals shall be made on forms provided by the Village Clerk-Treasurer. The following conditions must be met for issuance or renewal of a well operation permit:
- (1) The well and pump installation are safe and meet or are upgraded to meet the requirements of Chapter NR 812 of the Wisconsin Administrative Code;
  - (2) The well and pump installation shall be evaluated by a licensed well driller or pump installer and certified to comply with Chapter NR 812, subch. IV, prior to issuing the initial permit and no less than every 10 years afterwards.
  - (3) The well construction and pump installation produce bacteriological safe water as evidenced by at least two (2) consecutive safe samplings taken a minimum of two (2) weeks apart prior to issuing or reissuing the permit to establish that the water is safe for human consumption. No exception to this condition may be made for unsafe wells unless the Wisconsin Department of Natural Resources approves the continued use of the well in writing;
  - (4) There are no cross connections between the well and pump installation and the municipal water system; and
  - (5) The owner demonstrates a need for continued current use of the well and pump installation.
  - (6) Written documentation of the well and pump inspection indicating compliance with ch. NR 812 requirements must be maintained using standardized forms provided by the Department of Natural Resources.
- (f) **Abandonment Procedures.**
- (1) Applicable Procedures and Methods. All wells abandoned that are subject to this Section shall be abandoned according to the procedures and methods specified in Chapter NR 812 of the Wisconsin Administrative Code. All debris, pumps, piping, ungrouted liner pipe, and any other obstructions known to be in the well shall be removed if possible before the well is permanently abandoned per the provisions of Section NR 812.26(6) of the Wisconsin Administrative Code.
  - (2) Notice. The owner of the well, or the owner's agent, shall notify the Village Clerk-Treasurer at least forty-eight (48) hours prior to the commencement of any well abandonment of any abandonment activities. The abandonment of the well shall be observed by the Village Water Superintendent.
  - (3) Report. An abandonment report form supplied by the Wisconsin Department of Natural Resources shall be submitted by the well owner to the Village Clerk- Treasurer and the Wisconsin Department of Natural Resources within thirty (30) days of the completion of the well abandonment.
- (g) **Penalties.** Any well owner violating any provision of this Section shall on conviction be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) plus the costs of prosecution and any all applicable surcharges and assessments. If any person fails to comply with this Section for more than thirty (30) days after receiving written notice of the violation, the Village may cause the well abandonment to be performed and assess the expense of the same as a special charge against the property pursuant to Section 66.0627 or Section 66.0703, *Wis. Stats.*

State Law Reference: Sections 66.0627 and 66.0703, *Wis. Stats.*; Chapters NR 810 and NR 812,

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Wisconsin Administrative Code.”

Water customers residing outside the corporate limits of the Village of Gays Mills shall be billed at the regular rates for service specified in Section 9-1-1, Schedule Mg-1, *supra*, plus a twenty-five percent (25%) surcharge.

### SEC. 9-1-4 SEASONAL, EMERGENCY OR TEMPORARY SERVICE -- SCHEDULE Mgt-1.

- (a) **Seasonal Customers.** Seasonal customers, meaning general service customers whose use of water is normally for recurring periods of less than a year, shall be served at the general service rate specified in Section 9-1-1, Schedule Mg-1, *supra*, except that each customer served under this rate shall pay an annual seasonal service charge equal to twelve (12) times the applicable service charge. Water used in any month shall be billed at the applicable volume schedule in Section 9-1-1, Schedule Mg-1, *supra*, and the charge added to the annual seasonal service charge.
- (b) **Reconnection After Disconnection.** Further, if service has been disconnected, a charge under Section 9-1-11, Schedule R-1, *infra*, is applied at the time of reconnection.

### SEC. 9-1-5 PRIVATE FIRE-PROTECTION SERVICE -- UNMETERED -- SCHEDULE Upf-1.

- (a) **Use.** This service shall consist of unmetered connections to the main for the purpose of supplying water to private fire-protection systems such as automatic sprinkler systems, standpipes, (where same are connected permanently or continuously to the mains) and private hydrants.
- (b) **Charges.** Demand charges for private fire-protection service:

<u>Size of Connection</u>	<u>Monthly Charge</u>
2-inch	\$ 10.00
3-inch	\$ 19.00
4-inch	\$ 31.00
6-inch	\$ 62.00
8-inch	\$ 100.00
10-inch	\$150.00
- (c) **Billing.** Same provisions as for general service specified in Section 9-1-1, Schedule Mg-1, *supra*.
- (d) **Credit for Combined Service.**
  - (1) A credit will be given where private fire-protection lines are connected to utility water mains with four (4) inch or larger diameter connections and where the lines also supply metered general service. No credit will be given where connections are less than four (4) inches in diameter. The general service will be billed at the regular metered rates, specified in Section 9-1-1, Schedule Mg-1, *supra*. The demand charge for private fire protection when a credit applies shall be determined by the formula  $X \cdot 30Y$ . “X” equals the unmetered private fire-protection demand charge per billing period applicable to the size of connection, and “Y” is the service charge per billing period for metered general service.
  - (2) The fire demand charge for four (4) inch and larger connections minus the credit shall never be less than the three (3) inch connection charge.

### SEC. 9-1-6 PUBLIC SERVICE -- SCHEDULE Mpa-1.

- (a) **Metered Service.** Water service supplied to municipal buildings, schools, etc., shall be metered and the regular metered service rates specified in Section 9-1-1, Schedule Mg-1, *supra*, shall be applied subject to the provisions of Subsection (b) of this Section, *infra*.

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- (b) **Intermittent Use.** Water used on an intermittent basis for flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the superintendent shall estimate the volume of water used based on the pressure, size of opening and period of time water is allowed to be drawn. The estimated quantity used shall be billed at the rate of Two and 12/100 Dollars (\$2.12) per one thousand (1,000) gallons.

### SEC. 9-1-7 BUILDING AND CONSTRUCTION WATER SERVICE -- SCHEDULE Mz-1.

- (a) **Small Buildings.** For single family and small commercial buildings apply the unmetered rate, specified in Section 9-1-3, Schedule Ug-1, *supra*.
- (b) **Large Buildings.** For large commercial, industrial or multiple apartment buildings, a temporary metered installation shall be made and general, metered rates specified in Section 9-1-1, Schedule Mg-1, *supra*, shall be applied.

### SEC. 9-1-8 BULK WATER -- SCHEDULE B-1.

- (a) **Metered.** All bulk water supplied to fill tank trucks or swimming pools from the water system through hydrants or other connections shall be metered. Utility personnel shall supervise the delivery of the water.
- (b) **Charge.**

Service Charge	- \$30.00
Plus volume charge	- highest volumetric rate for residential customers under Schedule Mg-1

### SEC. 9-1-9 PUBLIC FIRE-PROTECTION -- SUBURBAN -- SCHEDULE F-2.

- (a) **Types of Service.** Water used for extinguishing fires outside the immediate service area of the Utility may consist of three types of service:
- (1) Water supplied to tank trucks from utility hydrants;
  - (2) Water supplied directly from hydrants located within the corporate limits, or on its borders, by means of hose lines; or,
  - (3) Water supplied to tank trucks from any other utility water source.
- (b) **Record of Volume.** A record of the measured or estimated volume of water used shall be submitted to the water utility after each use for fire protection outside the Utility's immediate service area. If measuring or estimating is impossible, the water utility superintendent shall be furnished data such as size of orifice used and the pressure and time water was permitted to flow in order to determine volume used.
- (c) **Charge.** A charge for the volume of water used for each fire either through a tank supply or from hydrants will be billed to the township or fire department using water at Two and 32/100 Dollars (\$2.32) per one thousand (1,000) gallons. A service charge, in addition to the water charge, shall be Fifteen Dollars (\$15.00) per hydrant used.

### SEC. 9-1-10 PUBLIC FIRE-PROTECTION SERVICE -- SCHEDULE F-1.

- (a) **Annual Charge.** For public fire-protection service to the Village of Gays Mills, the annual charge shall be Thirty-four Thousand Four Hundred Thirty-eight Dollars (\$34,438.00) to cover the use of mains and hydrants up to and including the terminal hydrant and connection on each main now existing.
- (b) **Extensions.** For all extensions of fire-protection service, a charge of Fifty-two cents (\$.52) per lineal foot of main shall be charged per annum on the basis of the length of main put into use between hydrants placed, plus a charge of Seventy-four Dollars (\$74.00) per net hydrant added to the system after the base period.
- (c) **Extent of Service.** This service shall include the use of hydrants for fire-protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires within the

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municipal boundary. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.

- (d) **Items Included.** The above base annual charge of Thirty-four Thousand Four Hundred Thirty-eight Dollars (\$34,438.00) includes an estimated 29,962 feet of transmission and distribution main, 4-inch and larger, and 41 hydrants.
- (e) **Charge Not Less than Base Amount.** The annual public fire-protection charge shall never be less than the base amount.

**SEC. 9-1-11 RECONNECTION CHARGES -- SCHEDULE R-1.**

	<u>During Normal Business Hours</u>	<u>After Normal Business Hours</u>
Reinstallation of meter, including valving at curb stop	\$30.00	\$45.00
Valve turned on at curb stop	\$30.00	\$45.00

Note: No charge for disconnection.

**SEC. 9-1-12 WATER LATERAL INSTALLATION CHARGE -- SCHEDULE Cz-1.**

- (a) **Subdivision Developers.** Subdivision developers shall be responsible, where the main extension has been approved by the Utility, for the water service lateral installation costs from the main through the curb stop and box.
- (b) **Utility Main Extension.** When the cost of a Utility main extension is to be collected through assessment by the municipality, 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.
- (c) **Initial Water Lateral Charge.** The initial water lateral, not installed as part of a subdivision development or an assessable Utility extension, will be installed from the main through the curb stop and box by the Utility, for which there will be made a charge as follows:

3/4-inch or 1-inch copper water service	\$300.00
Larger sized services	Actual Cost

**SEC. 9-1-13 TEMPORARY METERED SUPPLY, METER, AND DEPOSITS -- SCHEDULE D-1.**

- (a) **Charge and Deposit.**

Service charge for setting the valve and furnishing and setting the meter	- \$15.00
Deposit for valve and meter	- \$15.00

Water usage shall be billed at scheduled rates.

- (b) **Refunds and Lost or Damaged Equipment.** Refunds of deposits will be made upon return of the Utility equipment. Damaged or lost equipment will be repaired or replaced at customer expense.

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**SEC. 9-1-14 HYDRANT CHARGES -- SCHEDULE H-1.**

- (a) **Use.** In cases where no other supply is available, hydrants may be used if the provisions of Section 9-1-20, Schedule X-1.2, *infra*, are complied with.
- (b) **Charges.** The following charges shall apply:

Service charge for setting or moving sprinkler valve	-	\$15.00
Hydrant wrench deposit	-	\$15.00
Reducer (if necessary) deposit	-	\$15.00

In addition, the projected water usage shall be paid for in advance at the scheduled rates. The minimum charge for water usage shall be Ten Dollars (\$10.00).

- (c) **Refunds and Damaged or Lost Equipment.** Refunds of deposits will be made upon return of the Utility equipment. Damaged or lost equipment will be repaired or replaced at customer expense.

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### ARTICLE B

#### Rules and Regulations

##### **SEC. 9-1-15 COMPLIANCE WITH RULES -- SCHEDULE X-1.**

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

##### **SEC. 9-1-16 ESTABLISHMENT OF SERVICE -- SCHEDULES X-1 AND X-1.1.**

- (a) **Application.** Application for water service shall be made in writing on a form furnished by the water utility. The application will contain the legal description of the property to be served, the name of the owner, the exact use to be made of the service, and the size of the supply pipe and meter desired. Any special refrigeration and/or air-conditioning water-consuming appliances shall be noted particularly on the application.
- (b) **Withholding Approval.** The Utility is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.
- (c) **Conditions for Service.** Service will be furnished only if:
  - (1) The premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the Utility's filed main extension rule;
  - (2) The property owner has installed or agrees to install a service pipe from the curb line to the point of use, and laid not less than six (6) feet below the surface of an established or proposed grade, and according to Utility specification; and
  - (3) The premises has adequate piping beyond the metered point.
- (d) **Option for Multi-Unit Dwellings.** The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to the other units. Each meter and meter connection will be a separate water utility customer for the purpose of the filed rules and regulations.
- (e) **No Division of Water Supply Service.** No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two (2) or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.

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### SEC. 9-1-17 SERVICE CONTRACT -- SCHEDULE X-1.1.

- (a) **Minimum Period.** The minimum service contract period shall be one (1) year unless otherwise specified by special contract or in the applicable rate schedule. Where the Utility service has been disconnected at the customer's request prior to expiration of his minimum contract period, a reconnection charge shall be made, payable in advance, when the customer requests reconnection of service. The minimum contract period is renewed with each reconnection.
- (b) **Other Reconnection Charge.** A reconnection charge shall also be required from consumers whose services are disconnected by a shut off at curb stop because of non-payment of bills when due, not including disconnection for failure to comply with deposit or guarantee rules.
- (c) **Same Consumer.** A consumer shall be considered as the same consumer when the reconnection is requested for the same location by any member of the same household, or if a place of business, by any partner or employee of the same business.

### SEC. 9-1-18 TEMPORARY METERED SUPPLY, METER, AND DEPOSITS -- SCHEDULE X-1.1.

An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter in the amount specified in Section 9-1-13, Schedule D-1, *supra*.

### SEC. 9-1-19 WATER FOR CONSTRUCTION -- SCHEDULE X-1.2.

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

### SEC. 9-1-20 USE OF HYDRANTS -- SCHEDULE X-1.2.

- (a) **Permission and Sprinkling Valve Required.** In cases where no other supply is available, permission may be granted by the Utility to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. In no case shall any valve be moved except by a member of the Utility.
- (b) **Payment and Completed Use.** Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Where applicable, the deposits and charges specified in Section 9-1-14, Schedule H-1, *supra*, shall be paid. Upon completing use of the hydrant, the customer must notify the Utility to that effect.
- (c) **Use.** In the use of a hydrant supply, the hydrant valve will be set at the proper opening by the Utility when the sprinkling valve is set, and the flow of water must be regulated by means of the sprinkling

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valve. If the water is to be used through iron pipe connections, all such pipe installations shall have the swing joint to facilitate quick disconnection from the fire hydrant.

### **SEC. 9-1-21 OPERATION OF VALVES AND HYDRANTS; UNAUTHORIZED USE OF WATER; PENALTY -- SCHEDULE X-1.3.**

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

### **SEC. 9-1-22 REFUNDS OF MONETARY DEPOSITS -- SCHEDULE X-1.3.**

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 if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the wheel and reducer.

### **SEC. 9-1-23 SERVICE CONNECTIONS OR WATER LATERALS -- SCHEDULES X-1.3 AND X-1.4.**

- (a) **Laying Water Service.** No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Utility. Service pipes passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, no less than twice the diameter of the service connection. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material, and made impervious to moisture.
- (b) **Backfilling.** In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six (6) inches over the pipe.
- (c) **Water Supplies.** All water supplies shall be of undiminished size from the street main into the point of meter placement. Beyond the meter outlet valve, the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously.

### **SEC. 9-1-24 SERVICE PIPING FOR METER SETTINGS -- SCHEDULE X-1.6.**

- (a) **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 Utility should be consulted as to the type and size of meter setting. Where it is possible to set meters in the basement, or other suitable place within

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the building, a short nipple shall be inserted after the stop and waste cock, then a union, and then another nipple and coupling of the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the Utility, which may require a horizontal run of eighteen (18) inches in such pipe line and which may later be removed for the insertion of the meter into the supply line.

- (b) **No Permit for Change.** No permit will be given to change from metered to flat rate service.

### SEC. 9-1-25 TURNING ON WATER -- SCHEDULE X-1.6.

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

### SEC. 9-1-26 FAILURE TO READ METERS -- SCHEDULES X-1.6 AND X-1.7.

- (a) **Inability to Read Meter.** Where the Utility is unable to read a meter after two (2) successive attempts, the fact will be plainly indicated on the bill, and either an estimated bill will be computed, or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the minimum bill paid for the preceding period. Only in unusual cases or when approval is obtained from the customer shall more than three (3) consecutive estimated bills be rendered where bills are rendered monthly and there shall be not more than two (2) consecutive estimated bills where the billing period is two (2) months or more.
- (b) **Damaged Meter.** If the meter is damaged, in addition to payment for any damages to the Utility's equipment as specified in Section 9-1-41(a)(2) (Surreptitious Use of Water -- Schedule X-1.10), *infra*, or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly determined, the bill will be estimated by some equitable method.

### SEC. 9-1-27 COMPLAINT METER TESTS -- SCHEDULE X-1.7.

The terms and provisions of Wis. Adm. Code, PSC 185.77 concerning complaint meter tests, including any amendments or modifications thereto, are incorporated by reference as if fully set forth herein.

### SEC. 9-1-28 THAWING FROZEN LATERALS -- SCHEDULE X-1.4.

The terms and provisions of Wis. Adm. Code, PSC 185.89 concerning thawing frozen laterals, including any amendments or modifications thereto, are incorporated by reference as if fully set forth herein.

### SEC. 9-1-29 CURB STOP BOXES -- SCHEDULE X-1.5.

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

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### SEC. 9-1-30 INSTALLATION OF METERS -- SCHEDULE X-1.5.

Meters will be furnished and placed by the Utility and are not to be disconnected or tampered with by the consumer. All meters shall be so located that they shall be protected from obstructions and permit ready access thereto for reading, inspection, and servicing, such location to be designated or approved by the Utility.

All piping within the building must be supplied by the consumer. Where additional meters are desired by the consumer, he/she shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation.

### SEC. 9-1-31 REPAIRS TO METERS -- SCHEDULE X-1.5.

- (a) **Repairs Generally.** Subject to the provisions of Subsection (b) of this Section, meters will be repaired by the Utility and the cost of such repairs caused by ordinary wear and tear will be borne by the Utility.
- (b) **Damage By Owner or Occupant.** 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 the same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises.

### SEC. 9-1-32 REPLACEMENT AND REPAIR OF SERVICE PIPE -- SCHEDULE X-1.4.

- (a) **Larger Service Lateral.** Where the property owner requests that a larger service lateral be installed to replace an existing smaller diameter pipe, an allowance of Fifteen Dollars (\$15.00) will be made as a deduction in the cost, providing the new service is to be installed in the same ditch as the existing service pipe.
- (b) **Maintenance and Repair.** The service pipe from the main to and through the curb stop will be maintained and kept in repair and when worn out replaced at the expense of the Utility. The property owner shall maintain, replace, and repair the service pipe from the curb stop to the point of use. The Village Board may, by resolution, require that new service pipes be constructed from the curb stop to the point of use if the Board determines that the existing service pipe is aged, constructed from material that fails to meet current standards or is otherwise defective. If a property owner fails to comply with any such requirement within the time set by the Village Board in said resolution, the Utility may perform the work and shall keep an accurate record of the cost of constructing the service pipes. The cost, or the average current cost of laying the laterals or service pipes, shall be charged and be a lien against the lot or parcel served.”
- (c) **Disconnection.** If a consumer fails to repair a leaking or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the Utility after notification has been served on the consumer by the Utility, the water will be shut off and will not be turned on again until the repairs have been completed.

### SEC. 9-1-33 CHARGES FOR WATER WASTED DUE TO LEAKS -- SCHEDULE X-1.4.

The terms and provisions of Wis. Adm. Code, PSC 185.35 concerning charges for water wasted due to leaks, including any amendments or modifications thereto, are incorporated by reference as if fully set forth herein.

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**SEC. 9-1-34 INSPECTION OF PREMISES -- SCHEDULE X-1.7.**

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

**SEC. 9-1-35 CUSTOMER'S DEPOSIT -- SCHEDULE X-1.7.**

The terms and provisions of Wis. Adm. Code, PSC 185.36 and 185.361 concerning customer's deposits, including any amendments or modifications thereto, are incorporated by reference as if fully set forth herein.

**SEC. 9-1-36 CONDITIONS OF DEPOSIT -- SCHEDULE X-1.7.**

The terms and provisions of Wis. Adm. Code, PSC 185.36 and 185.361 concerning conditions of deposit, including any amendments or modifications thereto, are incorporated by reference as if fully set forth herein.

**SEC. 9-1-37 GUARANTEE CONTRACTS -- SCHEDULE X-1.7.**

The terms and provisions of Wis. Adm. Code, PSC 185.36 and 185.361 concerning guarantee contracts, including any amendments or modifications thereto, are incorporated by reference as if fully set forth herein.

**SEC. 9-1-38 DEFERRED PAYMENT AGREEMENT -- SCHEDULE X-1.8.**

The terms and provisions of Wis. Adm. Code, PSC 185.38 concerning deferred payment agreements, including any amendments or modifications thereto, are incorporated by reference as if fully set forth herein.

**SEC. 9-1-39 DISCONNECTION AND REFUSAL OF SERVICE --  
SCHEDULES X-1.8 AND X-1.9.**

- (a) **Disconnection.** The terms and provisions of Wis. Adm. Code, PSC 185.37, Disconnection and Refusal of Service, including any amendments or modifications thereto, are incorporated by reference as if fully set forth herein.
- (b) **Disconnection Notice.** The form of disconnection notice to be used is as follows:

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**DISCONNECTION NOTICE**

Customer Name  
Customer Address

Dear Customer:

The bill enclosed with this notice includes your current charge for utility service to

\_\_\_\_\_ [insert address of service if different than customer address] and your previous  
unpaid \_\_\_\_\_ balance.

You have eight (8) days to pay the utility service arrears or your service is subject to  
disconnection. The reason(s) for the proposed disconnection are

\_\_\_\_\_ [insert reasons and if disconnection of service is to be made for default on a  
deferred payment agreement include an explanation of the acts of the customer  
which are considered to constitute the default].

If you fail to pay the service arrears on your account, or if an arrangement is not made to pay the account under a deferred payment agreement, or if other suitable arrangements are not made, or if equipment changes are not made [strike equipment changes if inapplicable], we will proceed with disconnection action on or after the expiration of eight (8) calendar days; provided, however, that service shall not be disconnected on a day, or on a day immediately preceding a day, when the business offices of the Utility are not available to the public for the purpose of transacting all business matters unless the Utility provides personnel which are readily available to the customer twenty-four (24) hours per day to evaluate, negotiate, or otherwise consider the customer's objection to the disconnection as provided under Wisconsin Administrative Code, PSC 185.39, and proper service personnel are readily available to restore service twenty-four (24) hours per day.

To avoid the inconvenience of service interruption and an additional charge of \$ \_\_\_\_\_ [insert amount] for reconnection, we urge you to pay the full arrears IMMEDIATELY AT ONE OF OUR OFFICES.

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

PLEASE CALL THIS TELEPHONE NUMBER \_\_\_\_\_ [insert 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 wish to enter into a deferred payment agreement with us as an alternative to disconnection.
4. Any resident is seriously ill.
5. There are other extenuating circumstances such as the presence of infants or young children in the household, the presence of aged persons or persons with disabilities in the household, the presence of

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residents who use life support systems or equipment, or residents who have mental retardation or other developmental or mental disabilities.

### Illness Provision

If there is an existing medical or protective services emergency in your home and you furnish the Utility with a statement of a licensed Wisconsin physician, or a notice from a public health, social services, or law enforcement official which identifies the medical or protective services emergency and specifies the period of time during which disconnection shall aggravate the circumstances, we will delay disconnection of service up to twenty-one (21) days.

In the event that the grounds for the proposed discontinuance or the amount of any disagreement remains in dispute after you have pursued the available remedies with us, you may make an appeal to the Commission Staff of the Wisconsin Public Service Commission, Madison, Wisconsin.

[INSERT UTILITY NAME]

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### SEC. 9-1-40 COLLECTION OF OVERDUE BILLS -- SCHEDULE X-1.10.

An amount owed by the customer shall be levied as a tax provided the requirements for such taxation specified in Section 66.069(1)(b), *Wis. Stats.*, have been met.

### SEC. 9-1-41 SURREPTITIOUS USE OF WATER -- SCHEDULE X-1.10.

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

### SEC. 9-1-42 VACATION OF PREMISES -- SCHEDULE X-1.11.

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

### SEC. 9-1-43 REPAIRS TO MAINS -- SCHEDULE X-1.11.

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

### SEC. 9-1-44 DUTY OF UTILITY WITH RESPECT TO SAFETY OF THE PUBLIC -- SCHEDULE X-1.11.

It shall be the duty of the Utility to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle, and at night there shall be displayed amber signal light in such manner as will, so far as possible, insure the safety of the public.

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### SEC. 9-1-45 HANDLING WATER MAINS AND SERVICE PIPES IN SEWER OR OTHER TRENCHES -- SCHEDULE X-1.12.

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

### SEC. 9-1-46 PROTECTIVE DEVICES -- SCHEDULE X-1.12.

- (a) **Protective Devices in General.** The owner or occupant of every premises receiving water supply shall apply and maintain suitable means of protection of the premises' supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
- (b) **Relief Valves.** On all "closed systems," meaning systems having a check valve, pressure regulator, or reducing valve, water filter or softener, an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. Applicable plumbing codes must also be complied with.
- (c) **Air Chambers.** An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with applicable plumbing codes. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

### SEC. 9-1-47 REMOVED

### SEC. 9-1-48 WATER MAIN EXTENSION RULE -- SCHEDULE X-2.

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

- (a) **Assessment.** Where the cost of the extension is to immediately be collected through assessment by the Village against the abutting property, the procedure set forth under Section 66.60 of the Wisconsin Statutes will apply, and no additional customer contribution to the Utility will be required.
- (b) **Customer-Financed Basis.** Where the Village is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
  - (1) The applicant(s) will advance as a contribution in aid of construction the total amount equivalent to that which would have been assessed for all property under Subsection (a) of this Section, *supra*.
  - (2) Part of the contribution required in Subsection (b)(1) will be refundable. When additional customers are connected to the extended main within twenty (20) years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under Subsection (a) of this Section for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under Subsection (a) of this Section nor will it exceed the total assessable cost of the original extension.
- (c) **New Customer.** When a new customer(s) is connected to an existing main, not financed by customer

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contributions, it shall not be considered as a main extension and no contribution may be collected from the customer(s).

### SEC. 9-1-49 WATER MAIN INSTALLATIONS IN PLATTED SUBDIVISIONS -- SCHEDULE X-3.

- (a) **Applications.** Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the Clerk-Treasurer and shall set forth the following information:
  - (1) Name of subdivision;
  - (2) Legal description;
  - (3) Map showing streets, lots and sizes of proposed mains and hydrants, and street laterals;
  - (4) Date of approval of subdivision plan by State of Wisconsin Department of Development;
  - (5) Date of approval of proposed mains by State of Wisconsin Department of Natural Resources; and
  - (6) Number of houses presently under construction.
- (b) **Estimate.** Upon receipt of the application, the Utility will prepare detailed estimates of the cost of extending water mains and hydrants of the size deemed necessary in the subdivision and submit the same to the Village Board for approval of the extension as it pertains to public fire-protection service requirements.
- (c) **Deposit.** The applicant for water service to be supplied to a subdivision shall be required to advance to the Utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within thirty (30) days. If final costs are less than estimated, a refund of over-payment will be made by the Utility.
- (d) **Cost of Construction.** If the developer, or a contractor employed by the developer, is to install the water mains with approval of the Utility, the developer shall be responsible for the total cost of construction.

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## CHAPTER 2

### Sewer Utility Regulations and Rates

9-2-1	Authority; Policy; Purpose and Intent; Management
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9-2-15	Debt Service
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9-2-17	Confined Entry
9-2-32	Replacement of Sewer Laterals

#### SEC. 9-2-1 AUTHORITY; POLICY; PURPOSE AND INTENT; MANAGEMENT.

- (a) **Authority.** This Chapter is adopted under the authority granted by Sections 61.36, 61.39, and 62.18 of the Wisconsin Statutes.
- (b) **Findings and Declarations of Policy.** The Village of Gays Mills hereby finds that the requirements for the issuance of state grants and the acceptance of such grants by the Village of Gays Mills for the construction of wastewater treatment works to improve the quality of effluent discharges from the Village of Gays Mills establish the necessity of adopting a user charge system that would be proportionate to all classes of users and produce the revenue required to sustain the sewage collection and waste treatment system and establish the necessity of enacting regulations that control the use and inflow into wastewater treatment works.
- (c) **Purpose and Intent.** The purpose of the Chapter is to promote the public health, safety, prosperity, aesthetics, and general welfare of the citizens of the Village of Gays Mills. It is further intended to provide for administration and enforcement of the Ordinance and to provide penalties for its violations.
- (d) **Management.** The Gays Mills Wastewater Utility shall be managed by the Director of Public Works.

#### SEC. 9-2-2 CONSTRUCTION.

- (a) **Abrogation and Greater Restrictions.** It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.
- (b) **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to

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be minimum requirements and shall be liberally construed in favor of the Village of Gays Mills and shall not be deemed a limitation or repeal of any other power granted by the statutes of the State of Wisconsin.

- (c) **Severability of Ordinance Provisions.** If any section, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

### SEC. 9-2-3 DEFINITIONS.

The following terms shall have the following meanings in this Chapter:

- (a) **Approving Authority.** The approving Authority shall mean the Village Board of the Village of Gays Mills, Crawford County, Wisconsin.
- (b) **Average Waste Strength of BOD.** Average waste strength of BOD, as defined in Subsection (c) of this Section, shall mean the domestic waste concentration of two hundred (200) milligrams per liter for the purpose of billing for user charges.
- (c) **BOD.** BOD (denoting Biochemical Oxygen Demand) shall mean the quantitative determination of five (5) day BOD made in accordance with the latest edition of Standard Methods as defined in Subsection (mm) of this Section.
- (d) **Billable BOD.** Billable Biochemical Oxygen Demand (BOD) shall mean a user's loading in pounds of BOD calculated using the billable flow and concentration of BOD in the waste as determined by the Director of Public Works.
- (e) **Billable Flow.** Billable Flow shall mean a monitored sewage flow or a user's recorded monthly water usage as metered by the appropriate water utility, plus metered water from wells and other sources and less any sewer-exempt metered data, and shall mean and shall be in the case of residential users on unmetered wells and users with no history of billable flow an estimate arrived at by averaging the billable flow of other residential users of the same class.
- (f) **Billable Suspended Solids/Minimum Waste Strength of SS.** Billable Suspended Solids (SS) shall mean a user's loading in pounds of SS calculated using the billable flow and concentration of SS in the waste as determined by the Director of Public Works. Minimum waste strength of SS shall mean and shall be the domestic waste concentration of two hundred and fifty milligrams per liter (250 mg/l) for the purpose of billing for user charges.
- (g) **Building Drain.** 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 and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- (h) **Building Inspector.** Building Inspector shall mean any person with whom the Village of Gays Mills has contracted with to perform building inspections.
- (i) **Building Sewer.** Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal that conveys only sanitary or industrial sewage and is also known as a house connection.
- (j) **Class of Users.** Class of Users means the division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, or industrial.

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- (k) **Collection Sewers.** Collection Sewers shall mean the sanitary sewer and manholes maintained by the Village of Gays Mills.
- (l) **Depreciation.** Depreciation shall mean the annual operating cost reflecting capital consumption.
- (m) **Director of Public Works or Director.** Director of Public Works or Director shall mean the Director of Public Works for the Village of Gays Mills or his appointed assistant or representative.
- (n) **Easement.** Easement shall mean an acquired legal right to install and maintain a portion of the sewer system.
- (o) **Fixed or Meter Charge.** Fixed or meter charge shall mean the fixed or meter charge used for debt retirement only.
- (p) **Floatable Oil.** Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Village of Gays Mills.
- (q) **Forcemain.** Forcemain shall mean the discharge line from any lift station maintained by the Village of Gays Mills.
- (r) **Garbage.** Garbage shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the commercial handling, storage, and sale of produce.
- (s) **Ground Garbage.** Ground Garbage shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (½) inch in any dimension.
- (t) **Industrial Wastes.** Industrial Wastes shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial or manufacturing establishment or process or from the development, recovery or processing of natural resources, and shall include discharges from any Division D. Manufacturing user of the sanitary sewer system identified in the Standard Industrial Classification Manual, current edition, Office of Management and Budget, as amended and supplemented, provided, however, user in the Divisions listed may be excluded from industrial waste classification if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.
- (u) **Infiltration.** Infiltration shall mean the water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls, but does not include, and is distinguished from, inflow.
- (v) **Inflow.** Inflow shall mean the water discharge into a sanitary sewer system, including building drains and sewers from such sources as, but not limited to, the following: roof leaders, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and/or combined sewer, catch basins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.
- (w) **Interceptor Sewer.** Interceptor Sewer shall mean a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
- (x) **Natural Outlet.** Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (y) **Normal Domestic Strength Sewage.** Normal Domestic Strength Sewage shall mean wastewater or sewage having an average daily suspended solids (SS) concentration of not more than two hundred and fifty (250) milligrams per liter and an average daily BOD of not more than two hundred (200) milligrams per liter.
- (z) **Operation and Maintenance Costs.** Operation and Maintenance Costs shall mean and include all costs, direct and indirect, not including debt service, but inclusive of expenditures attributable to administration, replacement of equipment, and treatment and collection of wastewaters, necessary to insure

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adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long-term facility management.

- (aa) **pH/Hydrogen Ion Concentration.** pH shall mean the term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.
- (bb) **Person.** Person shall mean natural person and any form of entity, including partnerships, corporations, and limited liability companies.
- (cc) **Pretreatment.** Pretreatment shall mean the treatment of industrial sewage from privately owned industrial sources by the generator of that source prior to introduction of the waste effluent into a publicly owned treatment works.
- (dd) **Private Sewer.** Private Sewer shall mean a sewer which is not owned by the Village of Gays Mills.
- (ee) **Public Sewer.** Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by the Approving Authority.
- (ff) **Pumping Station.** Pumping Station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.
- (gg) **Replacement Costs.** Replacement Costs shall mean the expenditures for obtaining and installing equipment, accessories, or appurtenances necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (hh) **Sanitary Sewer.** Sanitary Sewer shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
- (ii) **Sewage/Classifications of Sewage.** Sewage shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow. Further, the following classifications of sewage shall have the following meanings in this Chapter:
  - (1) Sanitary Sewage shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.
  - (2) Industrial Sewage shall mean a combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and polluted cooling water.
  - (3) Combined Sewage shall mean wastes, including sanitary sewage, industrial sewage, storm water, infiltration, and inflow carried to the wastewater treatment facilities by a combined sewer.
- (jj) **Shall/May.** Shall means mandatory; May means permissible.
- (kk) **Shredded Garbage.** Shredded garbage shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (1.25 centimeters) in any dimension.
- (ll) **Significant Industry.** Significant industry shall mean any industry that will contribute greater than ten percent (10%) of the design flow and/or design pollutant loading of the treatment works.
- (mm) **Slug.** Slug shall mean any discharge of water, sewage, or industrial waste in concentration of any given constituent or in quantity of flow which exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (nn) **Standard Methods.** 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 Federation of Sewage and Industrial Wastes Association.
- (oo) **Storm Sewer.** Storm Sewer shall mean a sewer that carries storm, surface, and ground water drainage but excludes sewage and industrial wastes.
- (pp) **Suspended Solids/Quantitative Determination.** Suspended solids (SS) shall mean solids that either

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float to the surface of, or are in suspension in, water, sewage, or industrial waste and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall mean and shall be those made in accordance with procedures set forth in Standard Methods.

- (qq) **Toxic Amount.** Toxic Amount shall mean concentration of any pollutant or combination of pollutants which upon exposure to, or assimilation into, any organism will cause adverse effects such as cancer, genetic mutations, and physiological manifestations, as defined in standard issued pursuant to Section 307(a) of Public Law 92-500 as amended.
- (rr) **User Charge System.** User Charge System shall mean the system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities.
- (ss) **Village.** Village shall mean the Village of Gays Mills, Crawford County, Wisconsin.
- (tt) **Village Board/Village Clerk.** Village Board shall mean the Board of Supervisors of the Village and Village Clerk shall mean the Clerk-Treasurer for the Village.
- (uu) **Waste/Wastewater.** Waste and Wastewater shall be synonymous with sewage and shall mean the water carrying human, animal, and household wastes in a public or private drain, and may include ground water infiltration, surface drainage, and industrial wastes.
- (vv) **Wastewater Treatment Plant.** Wastewater Treatment Plant shall mean the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids.
- (ww) **Watercourse.** Watercourse shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

### SEC. 9-2-4 USE OF THE PUBLIC SEWERS.

#### (a) Sanitary Sewers.

- (1) No person shall cause to be discharged any storm water, surface drainage, subsurface drainage, ground water, roof runoff, cooling water, or unpolluted water into any sanitary sewer.
- (2) It shall be unlawful to discharge into any natural outlet within the Village, or in any area under the jurisdiction of this Village, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Section.
- (3) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility or private sewer intended or used for the disposal of sewage where a public sewer is available.
- (4) The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Village and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village within one hundred (100) feet of the nearest property line is hereby required, at his/her expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Section, within ten (10) days after date of official notice to do so.

#### (b) Storm Sewers.

- (1) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Approving Authority.
- (2) Industrial cooling water or unpolluted processed waters may be discharged, on approval of the Approving Authority, to a storm sewer or natural outlet. Such approval is subject to review by the Department of Natural Resources, Division of Environmental Protection of the State of Wisconsin.
- (3) No person shall discharge or cause to be discharged any storm water or clear water drains of any kind, including subsoil drains, building drains, tile drains, down spouts from roof gutters, surface drains, drains from any mechanical device, ditches, pipes, conduits, sump pumps, or any other

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objects or things used for the purpose of collecting, conducting, transporting, diverting, draining, or discharging clear waters into a sewer designed or designated as a sanitary sewer, and all of said waters shall be discharged into a storm sewer wherever possible; provided, however, that no such discharge into a storm sewer shall be permitted between November 30 and March 31 of each year, unless connected by underground laterals. During such period and where no storm sewer is available, such water may be discharged onto the owner's lawn or into an underground conduit leading to a drainage ditch, but no such discharge shall be allowed or permitted to flow on or across any public street, sidewalk, or right-of-way.

### (c) **Further Prohibitions and Limitations.**

- (1) **Prohibitions.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - a. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
  - b. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
  - c. Any waters or wastes having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
  - d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, sanitary napkins, etc., either whole or ground by garbage grinders.
- (2) **Director's Prior Approval.** The following described substances, materials, waters, or waste shall be limited in discharges to the Village wastewater system to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, will not result in violation of the Village's WPDES permit, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Director of Public Works may set limitations lower than any limitations established in the regulations below if, in the Director's opinion, such more severe limitations are necessary to meet the above objectives. In forming his/her opinion as to the acceptability, the Director will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be so discharged without the prior approval of the Director are as follows:
  - a. Wastewater having a temperature higher than 150 degrees F. (65 degrees C.).
  - b. Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
  - c. Wastewater from industrial plants containing oils, fat, grease, wax, or any other similar substance which floats or solidifies in the wastewater facilities.
  - d. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
  - e. Any waters or wastes containing aluminum, cadmium, copper, lead, mercury, selenium,

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- silver, chromium, zinc, and similar objectionable or toxic substances.
  - f. Any waters or wastes containing odor-producing substances.
  - g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by any State or federal regulations.
  - h. Quantities of flow, concentrations, or both, which constitute a slug.
  - i. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
  - j. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (3) Director's Determination. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection (c)(2), *supra*, and which, in the judgment of the Director of Public Works, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director of Public Works may:
- a. Reject the wastes,
  - b. Require pretreatment to an acceptable condition for discharge to the public sewers,
  - c. Require control over the quantities and rates of discharge, and/or
  - d. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this Chapter.
- When considering the above alternatives, the Director of Public Works shall give consideration to the economic impact of each alternative on the discharger. If the Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director.
- (4) Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing floatable grease or other substances specified in Subsection (c)(2)c., *supra*, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Director. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.
- (5) Pretreatment/Flow Equalizing Facilities. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (6) Industrial Wastes Structure. When required by the Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Director. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- (7) Compliance Information. The Director may require a user of sewer services to provide information needed to determine compliance with this Section. These requirements may include the

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following:

- a. Wastewater discharge peak rate and volume over a specified time period.
  - b. Chemical analyses of wastewaters.
  - c. Information on raw materials, processes, and products affecting wastewater volume and quality.
  - d. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
  - e. A plot plan of sewers for the user's property showing sewer and pretreatment facility locations.
  - f. Details of wastewater pretreatment facilities.
  - g. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- (8) Tests. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Section shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association and 40 CFR Part 136. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Director.
- (9) Special Agreement. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern, which shall have the prior approval of the Village Board, whereby an industrial waste of unusual strength of character may be accepted by the Village for treatment subject to payment therefor at rates established in this Chapter.
- (10) Accidental Discharges. The accidental discharge of any prohibited waste into any sewer shall be reported to the Director of Public Works by the person responsible for the discharge or by the owner or occupant of the premises where the discharge occurs immediately upon obtaining knowledge of the fact of such discharge so that steps may be taken to minimize its effect on the treatment plant.
- (11) Protection From Damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities.
- (12) Powers and Authority of Inspection.
- a. The Director of Public Works and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent of discharge to the community system in accordance with the provisions of this Section.
  - b. The Director or other duly authorized employees of the Village are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the disclosure to the public of the information in question might result in an advantage to competitors.
  - c. While performing the necessary work on private properties referred to in paragraph (c)(12)a., *supra*, the Director or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the owner of the property, and the owner shall be held harmless for injury or death to the Village employees, and the Village shall indemnify the owner against loss or damage to the property by Village employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required above.
  - d. The Director and other duly authorized employees of the Village bearing proper

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credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

- (d) **Exemption Meters/Additional Metered Service.** In the event that a person discharging waste into the public sewers produces evidence satisfactory to the Director that significant amounts of the total annual volume of water used for all purposes does not reach the sanitary sewer, the person may be permitted to have an exemption water meter installed or an additional metered service installed that would monitor the flow not reaching the sanitary sewer after written request to the Director. Exemption meters shall be furnished by the Water Department and installed by the customer. All other costs shall be at the expense of the person requesting the exemption meter or additional metered service, including any piping revisions required to insure that only water not reaching the sanitary sewer is metered by the exemption meter or additional metered service. The user charge in the event an exemption meter or additional metered service is installed is set forth in Schedule A appearing at the end of this Chapter.

State Law Reference: Sec. 281.45, *Wis. Stats.*

### SEC. 9-2-5 PRETREATMENT.

- (a) **Pretreatment Authority.** The Approving Authority may require a user to eliminate his waste discharge or pretreat to a level acceptable to the Approving Authority.
- (b) **Pretreatment.** Pretreatment may involve, but is not limited to, any of the following:
- (1) Any amount of the following constituents exceeding that listed below:

	<u>mg/l</u>
Aluminum	800.0
Arsenic	0.25
Barium	2.0
Boron	1.0
Cadmium	2.0
Chlorides	700.0
Chromium, total	21.8
Chromium (Hexavalent)	3.6
Copper	17.6
Cyanide	1.2
Fluorides	2.5
Iron, total	56.0
Lead	1.5
Manganese	1.0

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Mercury	0.0005
Nickel	6.7
Phenols	0.3
Selenium	1.0
Silver	0.1
Sulfates	150.0
Total Solids	1500.0
Zinc	16.5

- (2) Phosphorus or ammonia nitrogen in such an amount as would cause the plant to be in non-compliance with regulations of the State of Wisconsin Department of Natural Resources.
  - (3) Grease, oil, and sand retainers.
  - (4) Rate of discharge control.
  - (5) Equalization or neutralization.
  - (6) Flow measurement.
  - (7) Sampling equipment and manholes.
  - (8) Manhole connection to sewer main.
  - (9) Mechanical pretreatment units for removal of BOD, SS, oil, grease, solids, etc.
- (c) **Costs.** All costs for pretreatment including installation, operation, lab testing, and maintenance shall be the responsibility of the user.
- (d) **Preliminary Treatment Plants and Facilities.** No preliminary treatment plant and facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance shall conform to all Village, State of Wisconsin Department of Natural Resources, and any other local, State, or federal agency regulations, and unless written approval of the plans, specifications, technical operating data, and sludge disposal has been obtained from State of Wisconsin Department of Natural Resources and any other local, State, or federal agency having regulatory authority with respect thereto. All such preliminary treatment facilities, as are required pursuant to this Section, shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby and at the user's expense.
- (e) **Separate Agreement.** No provisions contained in this Section shall be construed to prevent or prohibit a separate or special contract or agreement between the Village and industrial user whereby industrial waste and material of unusual strength, character, or composition may be accepted by the Village for treatment, subject to additional payment therefor by the industrial user; provided, however, that such contract or agreement shall have the prior approval of the Village Board and also provided user charges are proportional to the cost of providing the service.
- (f) **Reservation of Rights.** The Village reserves the right to reject admission to the system of any waste harmful to the treatment or collection facilities or to the receiving stream.

### SEC. 9-2-6 SERVICE OF OUTLYING TERRITORY.

The Approving Authority upon resolution may allow service of sanitary sewer to areas outside the corporate limits. Users outside of the limits shall comply with all the provisions of this Chapter. All costs for extension shall be borne by the user.

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### SEC. 9-2-7 BUILDING SEWERS.

- (a) **Permit for Connections and Disconnections.** No unauthorized person shall uncover, make any connections or disconnections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a permit from the Director. The owner or the owner's agent shall make application on a form furnished by the Village Clerk. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director. A permit and hook-up fee of Two Hundred Fifty Dollars (\$250.00) shall be paid to the Village at the time the application is filed. In addition to the permit fee, applicants seeking either a new hook-up or a permanent disconnection shall pay a fee of Two Hundred Twenty-Five Dollars (\$225.00) at the time the application is filed. No additional fee shall be charged for temporary connections or disconnections.
- (b) **Costs/Indemnification for Installation and Connection.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (c) **Separate Building Sewers Required.** A separate and independent building sewer shall be provided for every building intended for human habitation or occupancy.
- (d) **Old Building Sewers.** An old building sewer may be used in connection with new buildings only when it is found, on examination and test by the Director or his authorized representative, to meet all requirements of this Section.
- (e) **Construction.** The size, slope, alignment, and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of this Chapter and/or other applicable rules and regulations of the Village. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.
- (f) **Connections With Storm Sewer.** Roof leaders, swimming pool drains, surface drains, ground water drains, foundation footing drains, and other clear water drains shall be connected wherever possible to a storm sewer, but they shall not be connected to a building sewer which discharges into a sanitary sewer or private wastewater treatment plant. All such connections existing at the time of passage of this Section shall thereafter be illegal. If storm water or clear water is being discharged into a sanitary sewer, the Director of Public Works shall give the offending person fifteen (15) days' notice to disconnect. Failure to disconnect after such notice shall authorize the Director to cause disconnection and assessment of the costs of such disconnection against the property involved. The Director may, in the alternative, recommend institution of an action for violation of this Section to the Village Board.
- (g) **Connection and Disconnection Requirements.** The connection or disconnection of the building sewer into the public sewer shall conform to the requirements of this Chapter or other applicable rules and regulations of the Village.
- (h) **Inspection.** The applicant for the building sewer permit shall notify the Director or his authorized representative when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director or his representatives.
- (i) **Repair.** Any repair of a building sewer from the building to the sewer main shall be at the expense of property owners. Any repair of a building sewer in a street or alley road shall be at the expense of the sewer utility.

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### SEC. 9-2-8 SEPTIC TANK HAULERS.

Septic tank haulers shall obtain a permit from the Director prior to discharging into the municipal system. The permit is for domestic septage and holding tank waste. No other wastes will be accepted without prior approval of the Director. Haulers will pay the sewer utility a fixed fee plus a charge for each one thousand (1,000) gallons discharged as set forth in the User Charge System and Sewer Service Charges in Schedule A appearing at the end of this Chapter.

### SEC. 9-2-9 SEWER USE CLASSIFICATIONS.

The following shall have the following meanings in the User Charge System and Sewer Service Charges in Schedule A appearing at the end of this Chapter and shall have the following pollutant concentrations:

- (a) **Residential Users.** Typical residential users are the single family residence, duplex, and multi-family housing without central cooking. Pollutant concentrations are BOD - 200 mg/l and SS - 250 mg/l.
- (b) **Commercial Users.** Commercial users shall mean a user engaged in the purchase or sale of goods, services, or any business transactions whose wastewaters generated are more than typical domestic sew-age. Typical commercial users are service stations, laundry, car wash, butcher shop, restaurant, motel, hotel, grocery store, and feed mills. Pollutant concentrations are BOD - 200 mg/l and SS - 250 mg/l.
- (c) **Institutional Users.** Institutional users shall mean a user whose wastewaters are generated from institutional activities. Typical institutional users are hospitals, nursing homes, and schools. Pollutant concentrations are BOD - 200 mg/l and SS - 250 mg/l.
- (d) **Industrial Users.** Industrial users shall mean any user whose wastewaters are generated from the production of products from materials or material handling. A typical industrial user is a factory, slaughter house, milk transfer, or cheese factory. Pollutant concentrations are to be established by the Approving Authority.
- (e) **Significant Industrial Users.** Significant industrial users are those users whose wastewater generations exceed ten percent (10%) of the design flow, design BOD, or design suspended solids loading for the plant more than ten (10) times per year, or have a wastewater that has a detrimental effect on the plant operation and performance.

### SEC. 9-2-10 CONDITIONS FOR DISCHARGE.

- (a) **Review and Acceptance.** Review and acceptance of the Approving Authority shall be obtained prior to the discharge into the public sewers of any waters or wastes having:
  - (1) A BOD greater than 200 mg/l,
  - (2) A suspended solids concentration greater than 250 mg/l,
  - (3) A chlorine requirement greater than 25 mg/l, or
  - (4) A total sulfate concentration greater than 50 mg/l.
- (b) **Significant Industrial Users.**
  - (1) Definition. The term significant industrial user shall have the meaning specified in Subsection (e) of Section 9-2-9 of this Chapter, *supra*.
  - (2) Report. Within three (3) months after passage of this Chapter, significant industrial users who discharge industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quality and characteristics of the wastes discharged to the wastewater treatment plant. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed, a request for extension of time may be presented for consideration of the Approving Authority.

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- (3) Requirements. Significant industrial users will be required to acquire a discharge permit, monitor their discharges for flow BOD, SS, and any other parameter if required by the Approving Authority. The Approving Authority reserves the right to add, eliminate, or modify monitoring parameters and frequency.
- (4) Allotments. Each significant industrial user is listed below along with wastewater treatment allotments. If a significant industrial user exceeds the allocation allotment, he shall be charged as detailed in this Chapter.

		- Discharge Allotment -		
Name	Address	Flow gpd	BOD #/d	SS #/d
None at Present				

Penalties for exceeding the allotments shall not be less than five (5) times the rate for each parameter. Penalties will be assessed for each day the allotments are exceeded (week, if samples are collected weekly). If allotments are exceeded more than five (5) days per month, the Approving Authority shall determine if the discharge permit shall be revoked.

- (5) Inspection. The Village reserves the right to inspect the monitoring equipment, sampling equipment, holding tank, etc., as to assure compliance with the permit. The Village also reserves the right at any time to split wastewater samples with the permit holder to compare values of BOD(5) suspended solids or any other parameter listed in the permit. The Village value will govern in case of any discrepancy.
- (c) **New Industrial Waste Connection.** Each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.
- (d) **Industrial Waste Manholes.** Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of his wastes, including domestic sewage. Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority. Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority prior to the beginning of construction.
- (e) **Industrial Wastes Surcharges.** The volume of flow used for computing industrial wastes surcharges shall be the metered water consumption of the person as shown by the Water Department or flow recording data. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person discharging the waste. The flow metering device shall be calibrated on an annual basis by an independent certified technician and a report shall be sent to the Director detailing the calibration. The Village reserves the right to conduct an independent calibration of the meter at any time. The cost of the calibration will be paid by the discharger. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.
- (f) **Industrial Wastes Inspection and Samples.** Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determinations shall be made as often as may be deemed necessary by the Approving Authority.

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Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority. Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to insure their preservation in a state comparable to that at the time the sample was taken. Laboratory procedures used in the examination of industrial wastes shall be those set forth in Standard Methods. However, alternate methods for certain analysis of industrial wastes may be used subject to mutual agreement between the Approving Authority and the person discharging industrial wastes. Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or his agent, as designated and required by the Approving Authority. The Village may also make its own analysis on the wastes and these determinations shall be binding as a basis for charges.

- (g) **Deleterious Effect.** If any waters or wastes are discharged or proposed to be discharged to the public sewers, or contain substances or possess the characteristics which in the judgment of the Approving Authority may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or otherwise create a hazard to life or health, or constitute a public nuisance the Approving Authority may:
- (1) Reject the wastes,
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers, and/or
  - (3) Charge the discharger for all additional costs associated with bringing the wastewater treatment plant back into normal operation.
- (h) **Discharge Permits.**
- (1) Reservation of Rights. The Village reserves the right to require a discharge permit from any commercial user or industrial user of the sewer, as defined in Section 9-2-9 of this Chapter, which definitions shall apply in all of this Subsection (h), and if the Village does exercise the option, the commercial user or industrial user shall not discharge to a sewer without having first applied for and obtained a permit from the Village. Each commercial user or industrial user presently discharging material to the sewer shall apply for a discharge permit within ninety (90) days from the date of such notification.
  - (2) Building Connections. Commercial and industrial classification codes set forth in the most current edition of the Standard Industrial Classification Manual, as amended and supplemented, are adopted by the Village as the basis for the issuance of discharge permits for building connections to a sewer.
  - (3) Application. The application for a discharge permit shall be made on a form provided for that purpose by the Village and shall be fully completed under oath by the property owner, user, or a duly authorized and knowledgeable officer, agent, or representative thereof and acknowledged. If requested, the person making application shall also submit such scientific or testing data or other information as may be required by the engineer of the Village. The Approving Authority shall also have, at its discretion, the right to personally inspect the premises, equipment, materials, and laboratory testing facilities of the applicant. No fee shall be charged for a discharge application permit.
  - (4) Standards. No discharge permit shall be issued by the Village to any person whose discharge of material to sewers, whether shown upon the application or determined after inspection and testing conducted by the Approving Authority, is not in conformance with federal, State, or Village statutes, ordinances, rules, and regulations, unless a waiver or variance of such standards and requirements is granted by the appropriate authority. A grant of waiver or variance by the Village may set forth such conditions, exceptions, time limitations, durations, and expirations as the Village deems necessary and proper. On the written request of the applicant made within ten

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- (10) days of the notice of the denial by the Village of a discharge permit or its requirement for waiver or variance, the Village shall reduce to writing the determination and the reason or reasons therefor and said determination shall be mailed or personally delivered to the applicant, shall be dated, and shall advise the applicant of the right to have such determination reviewed, the time within which such review may be obtained, and the office or person to whom a request for review shall be addressed.
- (5) Additional Application. In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted such permit previously shall make a new application to the Village in the same manner and form as originally made.
- (6) Review. If the application for a new permit or for one because of change in the type or volume of material discharged is denied by the Village, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of this Chapter and a waiver or variance is required, the user may have the Approving Authority review the denial or may request waiver or variance, provided the user shall give written notice to the Village of his/her request within thirty (30) days after notice to him/her of such an oral or written determination. The request for review shall state the ground or grounds on which the applicant contends that the decision should be modified or reversed. The Approving Authority shall review the permit application, the written denial, and such other evidence and matters as the applicant and Approving Authority shall present at its next regular meeting following receipt of request for its review and the decision of the Approving Authority shall be rendered publicly at said meeting or at a subsequent meeting if the matter is continued.
- (7) Change in Type or Volume. Should any discharge of material to a sewer materially and substantially differ in type or volume than shown in the application and permit, the person and user shall immediately, upon order of the Approving Authority, cease and desist from such discharge and shall also be subject to disconnection and the penalties provided in this Chapter.

State Law Reference: Secs. 68.07 and 68.09, *Wis. Stats.*

### SEC. 9-2-11 DAMAGE OR TAMPERING WITH SEWAGE WORKS.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.

### SEC. 9-2-12 VIOLATIONS AND PENALTIES.

- (a) **Written Notice of Violations.** Any person found to be violating any provision of this Chapter may be served by the Village with a written notice stating the nature of the Violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) **Forfeiture and Continued Violations.** Any person who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, forfeit not more than Five Hundred Dollars (\$500.00) together with any applicable costs of prosecution, other costs, surcharges, and assessments. Each day in which any violation is continued shall be deemed a separate offense.
- (c) **Liability to the Village for Losses.** Any person violating any provisions of this Chapter shall also be liable to the Village and others, as their interests may appear, for any expense, loss, or damage occasioned by reason of such violation which the Village or others may suffer as a result thereof,

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including, but not limited to, any costs incurred in connection with repairing damages to wastewater facilities or any downstream user or facilities damaged as a result of a prohibited discharge or any other violation of this Chapter.

### SEC. 9-2-13 WASTEWATER TREATMENT AND SERVICE CHARGES.

- (a) **Charges.** The basic wastewater treatment bill to be paid by all users shall consist of user charges for operation, maintenance, and replacement using the minimum usage and volume charges contained in Schedule A appearing at the end of this Chapter. The volume charges shall be applied to user's billable flow, BOD, and SS, respectively. No user shall pay less than the minimum usage rate. Such charges, including any penalties, if not paid by November 15 of each year shall be a lien upon each lot or parcel of land with a building having a lateral available to discharge normal sewage to the public sewer system. Such charges shall be assessed and collected monthly. Each lot or parcel of land having a house or building occupied or unoccupied having a sewer available to discharge normal sewage into the public sewer system which for any reason is not hooked up to the Village system shall be charged the minimum usage charge by meter size. The Village will maintain the proportionate distribution of operation, maintenance, and replacement cost amongst user classes. Users discharging toxic pollutants shall also pay for any increased operation, maintenance, and replacement cost caused by the toxic pollutant. Users will be notified annually of proportion of user charges attributable to the wastewater treatment services. The Village will generate sufficient revenues to pay the operation, maintenance, and replacement cost. The Village will apply excess revenue collected from operation, maintenance, and replacement cost for the next year. The user charge system shall take precedence over pre-existing agreements inconsistent with this Chapter.
- (b) **Water From Sources Other Than Public Utility.**
- (1) **Commercial and Industrial Users.** If a commercial user or industrial user, as defined in Section 9-2-9 of this Chapter, *supra*, obtains all or any part of their water from sources other than the public water utility, all or any part of which is discharged into the public sewers, the customer shall be required to have a water meter or meters installed for the purpose of determining the volume of water obtained from these other sources; provided, however, should the Director determine that the water usage is too small to justify a meter, the Director shall have the authority to waive this requirement and a flat rate shall be charged based on estimated water usage and the metered rate schedule. The water meters shall be furnished by the Water Department and installed by the customer. All other costs in connection with the water meter installation shall be at the expense of the customer. The wastewater utility shall charge for each meter the minimum service charge set for that size meter to compensate for furnishing, reading, and servicing the meter. This charge shall be in addition to the wastewater charge.
  - (2) **Residential Users.** If residential users, as defined in Section 9-2-9(a) of this Chapter, *supra*, obtain all or part of their water from sources other than the public water utility, all or any part of which is discharged into the public sewers, a flat rate charge shall be paid for wastewater service. Should the Director determine that the minimum flat rate charge is less than the charge would be on a metered basis, the Director shall have the authority to set a higher rate based on estimated total usage and the metered rate schedule. Should the residential customer request it, a water meter shall be installed and the customer shall be charged on the same basis as residential, commercial, or industrial customers having private water supplies.
- (c) **Commencement of Rates.** The rates set forth in this Section and in Schedule A shall take effect upon the issuance of a connection permit, and shall be discontinued upon disconnection except for the stand-by charge. If the building which the sanitary sewer is to serve is not immediately occupied upon

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connection to the sanitary sewer, the minimum usage charge shall be applied until such time as the Director of Public Works issues a certificate of occupancy.

- (d) **Delinquent Bills.** Delinquent sewer bills shall be the responsibility of the land owner and shall be placed on the tax roll if not paid by November 15 of each year.
- (e) **Deferred Assessment Areas.** In the Village, two deferred assessment areas were created to recover the cost of sewer construction. The first area is the area north of Grove Street along STH 131 and adjacent subdivision and lots. In this area each new sewer hook-up is required to pay One Thousand Seven Hundred Dollars (\$1,700.00) less any accrued deposits made plus the hook-up fee of Two Hundred Fifty Dollars (\$250.00). The second area is west of the Kickapoo River along STH 171 and adjacent subdivisions and lots. In this area each new sewer hook-up is required to pay Three Thousand Dollars (\$3,000.00) plus the hook-up fee of Two Hundred Fifty Dollars (\$250.00).
- (f) **Abnormal or Faulty Charges.** Any abnormalities caused by faulty equipment, meter, and/or inability to get a meter reading or a correct water meter reading, the Director of Public Works may use a fair and just method for calculation of any such bill during any three (3) month billing cycle; provided, however, in the event the customer has not, prior to the billing period in question, received a water and sewer bill for that location for a period that coincides on a calendar basis with the present billing from the period in question, the calculation shall be the same as that period that occurred one (1) year earlier.
- (g) **Accidental Over-Use of Water.** Any water use within any billing period that is five (5) times in excess of the amount used for the preceding billing period may upon determination of the Director of Public Works be determined to be accidental over-usage and the actual charge therefor forgiven and in its place substituted a charge calculated on meter size for water and Village-wide residential average for that billing period for sewer. Said adjustment will be granted only if, at the sole determination of the Director of Public Works, upon determination by him, that a majority of the water used for the billing period in question did not enter the sanitary sewer.
- (h) **Exemption Meter/Additional Metered Service Charges.** If an exemption water meter or an additional metered service is installed pursuant to Section 9-2-4(d) of this Chapter, *supra*, charges for sewer use shall be made as set forth in Schedule A appearing at the end of this Chapter.
- (i) **Waiver on Village Connection and Disconnection.** In the event the Village makes any connection or disconnection to the Village's sanitary sewer system all necessary permits and all fees for the same shall be waived.
- (j) **Outlying Users.** The Village will charge outlying users at a negotiated rate. The rate will be based upon actual treatment and collection costs for the area served. No surcharge will be placed upon operation and maintenance costs.
- (k) **Industrial Users.** In addition to the basic wastewater treatment bill described in this Chapter for the user charge system, wastewater treatment bills for industrial users and commercial users, as defined in Section 9-2-9 of this Chapter, *supra*, shall consist of industrial waste monitoring charges as described in this Chapter. The Village shall periodically sample and analyze wastes from significant users in each industrial and commercial user classification to determine the BOD and SS strengths of the wastes and these results shall be used as representative of wastes from all users in that classification for billing purposes unless the user's waste is classified by the Approving Authority as having special problems. Significant industries with wastes classified by the Approving Authority as having special problems shall install, at the industry's own cost, a structure located on the building service line with flow measurement and sampling devices as required by the Approving Authority to obtain exact information about the waste.
- (l) **Assessment.** The Village reserves the right to assess the cost to significant users of studies, design fees, construction costs for wastewater treatment plant modifications and additions. The assessment will be based upon cost of the construction directly attributable to the user and determined by actual costs. The Village further reserves the right to assess to users the costs of putting on service pipe, of creation, alteration, additions, and repairs to the Village sewage system and sewage disposal plant, and

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the abandonment when necessary of any existing system and building a new system.

State Law Reference: Secs. 61.39, 62.16(2), 62.18, 66.069, and 66.076, *Wis. Stats.*

### SEC. 9-2-14 WASTEWATER TREATMENT AND SERVICE BILLS AND BUDGETS.

- (a) **Billing Period.** The billing period of wastewater treatment and service bills shall be monthly.
- (b) **Payment of Bill.** Wastewater treatment and service bills shall be paid within twenty (20) days from the date of billing.
- (c) **Delinquent Bills.**
  - (1) If the sewer service bill is not paid within twenty (20) days of issuance, the service may be disconnected.
  - (2) The sewer utility may offer deferred payment agreements to customers under the following terms and conditions:
    - (a) Every deferred payment agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service shall not be discontinued if the customer pays a reasonable amount of the outstanding bill, agrees to pay the remaining outstanding balance in installments, and agrees to pay the current bill by the due date.
    - (b) For purposes of determining reasonableness in s. (2)(a) the parties shall consider the customer's ability to pay, including the following factors:
      - (i) Size of the delinquent account;
      - (ii) Customer's payment history;
      - (iii) Time that the debt has been outstanding;
      - (iv) Reasons why the debt has been outstanding;
      - (v) Any other relevant factors concerning the circumstances of the customer such as household size, income, and necessary expenses.
    - (c) The deferred payment agreement shall state immediately preceding the space provided for the customer's signature that:
      - (i) If the customer signs the agreement, the customer agrees that he/she owes the amount due under the agreement;
      - (ii) Signing the agreement does not affect the customer's responsibility to pay for current service and allowing any bill for current service to become delinquent places the customer in default of the agreement.
    - (d) A delinquent amount, including late payment charges covered by a deferred payment agreement, shall not be subject to an additional late payment charge if the customer meets the payment schedule, including the current bill required by the agreement. A deferred payment agreement shall not include a finance charge.
    - (e) If an applicant for utility service or current customer has not fulfilled terms of a deferred payment agreement and there has not been a significant change in the customer's ability to pay since the agreement was negotiated, the utility shall have the right to disconnect pursuant to this ordinance and under such circumstances, the utility will not offer subsequent negotiation of a deferred payment agreement prior to disconnection.
    - (f) Payments made by customers for sewer service in compliance with a deferred payment agreement shall first be considered as payment toward the deferred payment agreement with any remainder credited to the current bill.

## TITLE 9 Public Utilities – Village of Gays Mills

- (3) Delinquent bills will be subject to a late payment charge of one percent (1%) per month. The late payment charge will be applied to the total unpaid balance for sewer service, excluding unpaid late payment charges. An additional ten percent (10%) will be charged on the total bill on the 1<sup>st</sup> of November following the bill and shall be placed on the tax roll if not paid by November 15<sup>th</sup> of each year. This subsection shall not apply to customers paying delinquent charges under a deferred payment agreement while payments under that agreement are current.

State Law Reference: Section 66.0809(3), *Wis. Stats.*”

### SEC. 9-2-15 DEBT SERVICE.

Sewer user charges are to be collected for principal and interest payments, for public benefit funds, and for any other purpose provided by law not related to the operation, maintenance, and replacement of the waste treatment works. Revenue to repay debt will be generated by the fixed charge plus a volume charge.

### SEC. 9-2-16 ACCOUNTING.

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

### SEC. 9-2-17 CONFINED ENTRY.

- (a) **Definitions.**
  - (1) Atmosphere Limits. Atmosphere limits means a space having:
    - a. An oxygen content of at least nineteen and one-half percent (19.5%) or more but not more than twenty-three and one-half percent (23.5%);
    - b. A hydrogen sulfide content of less than ten (10) parts per million or a carbon monoxide content of less than thirty-five (35) parts per million;
    - c. A combustible gas content less than ten percent (10%) of the lower explosive limit; and
    - d. An exposure level, for any hazardous substance determined to be present, which is at or below the threshold limit value - short-term exposure limit for any substance specified by the American Conference of Governmental Industrial Hygienists in the publication adopted under Wisconsin Administrative Code ILHR 32.50(4), or the short-term exposure

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limits found in 29 CFR Part 1910.1000.

- (2) **Confined Space.** A confined space, per Wisconsin Administrative Code ILHR 32.61(3), is a space that is large enough and so configured that an employee can enter and perform assigned work, that has limited or restricted means for entry or exit, such as a tank, vessel, silo, storage bin, hopper, vault, and pit, and that is not designed for employee occupancy.
  - (3) **Hazardous Atmosphere.** Hazardous atmosphere, per Wisconsin Administrative Code ILHR 32.61(8), is an atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue, injury, or acute illness from one or more of the following causes:
    - a. Flammable gas, vapor, or mist in excess of ten percent (10%) of its lower explosive limit;
    - b. Airborne combustible dust at a concentration that meets or exceeds its lower explosive limit;
    - c. Atmospheric oxygen concentrations below nineteen and one-half percent (19.5%) or above twenty-three and one-half percent (23.5%);
    - d. Atmospheric concentration of any substance for which a dose or a permissible exposure limit is published in Subpart G, Occupational Health and Environment Control, or in Subpart Z, Toxic and Hazardous Substances, of Title 29 CFR Part 1910 and which would result in the employee exposure to excess of its dose or permissible exposure limit; or
    - e. Any other atmospheric condition that is immediately dangerous to life or health.
  - (4) **Level 1 Space.** A level one space, per Wisconsin Administrative Code ILHR 32.64(5)(a), is a confined space with an atmosphere within the atmosphere limits and the only source of contamination expected or likely to affect the atmosphere is the employee's presence or the employee's activities.
  - (5) **Level 2 Space.** A level two space, per Wisconsin Administrative Code ILHR 32.64(5)(b), is a confined space that has one or more of the following characteristics:
    - a. Contains a hazardous atmosphere;
    - b. Contains a material that has the potential for engulfment of an authorized entrant;
    - c. Has an internal configuration that could cause an authorized entrant to be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or
    - d. Contains any other serious safety or health hazard.
- (b) **Prohibition.** Except as provided in Subsection (d) of this Section, *infra*, a confined space may not be entered unless it is within the atmosphere limits.
  - (c) **Ventilation.** A confined space with an atmosphere which is not within the atmosphere limits may be ventilated and may be entered when sampling indicates an atmosphere within the atmosphere limits.
  - (d) **Supplied Air.** A confined space with an atmosphere which cannot be brought within the atmosphere limits specified in Subsection (a)(1)a., b., and d. may be entered if a self-contained positive pressure breathing apparatus or a Type C air line respirator is used. An approved air purifying respirator may be used in atmospheres that do not have the potential to be immediately dangerous to life or health.
  - (e) **Entry Absolutely Prohibited.** A confined space with an atmosphere which is not within the atmosphere limit specified in Subsection (a)(1)c. may not be entered even if a breathing apparatus or respirator is used.
  - (f) **Entry Procedures.** To determine the specific entry procedures in Wisconsin Administrative Code ILHR 32.65 to be followed, the definitions of a level 1 space and a level 2 space in Subsection (a) of this Section, *supra*, shall be used and followed.

### SEC. 9-2-18 MAINTENANCE, REPLACEMENT AND REPAIR OF SEWER LATERALS

The service pipe from the main to and through the curb stop will be maintained and kept in repair and when worn out replaced at the expense of the Utility. The property owner shall maintain, replace, and repair the service pipe from the curb stop to the point of use. The Village Board may, by resolution,

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require that new service pipes be constructed from the curb stop to the point of use if the Board determines that the existing service pipe is aged, constructed from material that fails to meet current standards or is otherwise defective. If a property owner fails to comply with any such requirement within the time set by the Village Board in said resolution, the Utility may perform the work and shall keep an accurate record of the cost of constructing the service pipes. The cost, or the average current cost of laying the laterals or service pipes, shall be charged and be a lien against the lot or parcel served.

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**SCHEDULE A**

**Section I.** Paragraph 1 of Schedule A of Title 9, Chapter 2 of the Municipal Code of the Village of Gays Mills shall be and hereby is amended to read as follows:

1. MINIMUM USAGE.

Minimum usage shall be determined according to the following:

<u>Meter Size</u>	<u>Monthly</u>	<u>Per Gallon Rate Up to 13,300</u>	<u>After 13,300 Gal</u>
5/8"	\$ 30.00	0.013	0.0078
1"	49.00	0.013	0.0078
1 1/4"	68.00	0.013	0.0078
1 1/2"	87.00	0.013	0.0078
2"	144.50	0.013	0.0078
3"	316.00	0.013	0.0078
4"	545.00	0.013	0.0078
6"	1,232.00		

**Section II.** Paragraph 2.A of Schedule A of Title 9, Chapter 2 of the Municipal Code of the Village of Gays Mills shall be and hereby is amended to read as follows:

2. VOLUME CHARGE.

A. Residential Users:

The typical residential user would pay \$30.00 plus \$13.00 for every 1,000 gallons.

Example: Typical residential customer with a usage of 3,000 gallons per mo.

Minimum Charge = \$30.00

Usage = 3,000 gal. x \$13.00/1,000 gal. = \$39.00

SEWER BILL \$69.00 per mo.

B. Commercial, Industrial, and Institutional Users:

Each commercial user, industrial user, and institutional user would pay a minimum usage charge plus \$13.00/1,000 gal. for usage.

## TITLE 9 Public Utilities – Village of Gays Mills

### Schedule A Continued

C. Significant Industrial Users:

Any user with a wastewater strength greater than 200 mg/l BOD or 250 mg/l for SS as detailed in Chapter 2 shall monitor their wastewaters and shall be billed at the domestic rate plus this surcharge for poundage greater than domestic:

BOD5	\$0.78/# BOD
SS	\$0.39/# SS

Plus a minimum usage charge.

D. Recreational Holding Tank - Septic Tank Haulers:

The charge for dumping a holding tank from a recreational vehicle with a tank not exceeding 300 gallons is \$5.00.

Holding tank haulers shall pay \$10.00 plus \$9.60/1,000 gal.

Septic tank haulers shall pay \$10.00 plus \$32.00/1,000 gal.

E. Stand-by:

The stand-by charge will be the minimum usage residential charge monthly.

The sewer availability stand-by charge shall be monthly.

F. Exemption Meter/Additional Metered Service:

The charge for sewer use shall be the difference between the two metered readings if and only if an exemption meter is installed or the actual water metered for sewer use if an additional metered service is installed.

G. The assessment of sewer service charges must be based on wastewater contributed by users, therefore, the adjusted metered water volume is used as a basis for the rate design. The difference between metered water volume and wastewater treatment plant volume is identified as infiltration/inflow. This extraneous flow cannot be directly attributed to any user.

CHAPTER 3

Miscellaneous Utilities Regulations

9-3-1 Natural Gas Indeterminate Permit--Madison Gas and Electric Company

**SEC. 9-3-1 NATURAL GAS INDETERMINATE PERMIT--MADISON GAS AND ELECTRIC COMPANY.**

- (a) **Permit.** The Village of Gays Mills grants an indeterminate permit to Madison Gas and Electric Company (“the Company”), a corporation organized and existing under the laws of the State of Wisconsin, its successors and assigns, upon the conditions hereinafter set forth, for the exclusive right, authority and permission to construct, maintain, operate, enlarge, and repair in the Village of Gays Mills a system for the furnishing and distribution of natural gas and natural gaseous fuels, and to use the highways, roads, streets, alleys, lanes, boulevards, parks, public ways, public grounds and bridges in said Village for constructing, maintaining, operating, enlarging and repairing its transmission and distribution pipe lines with all the necessary, usual or convenient manholes, valves, passage ways and appurtenances for the purpose of supplying and selling natural gases and natural gaseous fuels to said Village and its residents and to any building, structure, factory, processing plant, industry, or public or private house or any gas user therein.
- (b) **Restrictions and Conditions.** The indeterminate permit granted in Subsection (a) of this Section, *supra*, is subject to any and all applicable restrictions and conditions in the law of the State of Wisconsin, including, but not limited to, the Company complying with any and all requirements provided by State law for obtaining that permit, and further subject to such rules and regulations as the Village Board may from time to time prescribe.
- (c) **Further Conditions.** The indeterminate permit granted in Subsection (a) of this Section, *supra*, shall be null and void and shall expire if the Company shall not have obtained from the Public Service Commission of the State of Wisconsin any and all necessary certificates authorizing it to transact such public utility business and to construct and operate the above described gas distribution system in the Village of Gays Mills.

State Law Reference: Secs. 196.49 and 196.54, *Wis. Stats.*