

Title II – Chapter 5

Utility – Water & Sewer

- § 5.01 Water Utility; Regulations, Rates and Extension of Service
- § 5.02 Sewer Utility; User Charge System and Regulations
- § 5.021 Revenue
- § 5.022 Accounting
- § 5.023 Sewage Collection and Treatment Regulations
- § 5.024 Enforcement and Penalties
- § 5.025 Definitions
- § 5.03 Sewer Service Laterals; Maintenance and Repair
- § 5.031 Sewer Main Extension Rules
- § 5.04 Interceptor Sanitary Sewer Assessment
- § 5.05 Fluoridation of Water Supply
- § 5.06 Municipal Contracts for Public Works
- § 5.07 Street Openings for Installation of Plumbing
- § 5.08 User Charge; Use of Sewer Utility by Haulers of Septic Tank Wastes
- § 5.09 Abandonment of Wells

Appendix C – PSC Authorized Rates and Rules

5.01 **Water Utility; Regulations, Rates and Extension of Service.** (CR 03/24/03 ORD 03 – 327)

- (1) Compliance with Rules. All persons now receiving water service from this water utility, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.
- (2) Establishment of Service.
 - (a) Application for water service may be made in writing on a form furnished by the water utility. The application will contain 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 service lateral and meter desired. Note particularly any special refrigeration, fire protection, or water-consuming air-conditioning equipment.
 - (b) Service will be furnished only if (1) the premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where the property owner has agreed to and complied with the provisions of the water utility's filed main extension rule, (2) the property owner has installed or agrees

to install a service lateral from the curb stop to the point of use that is not less than 6 feet below the surface of an established or proposed grade and meets the water utility's specifications, and (3) the premises have adequate piping beyond the metering point.

- (c) The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to other units. Each meter and meter connection will be treated as a separate water utility account for the purpose of the filed rules and regulations.
 - (d) No division of the water service lateral to any lot or parcel of land shall be made for the extension and independent metering of the supply to an adjoining lot or parcel of land. Except for duplexes, no division of a water service lateral shall be made at the curb for separate supplies for two or more separate premises having frontage on any street or public service strip, whether owned by the same or different parties. Duplexes may be served by one lateral provided (1) individual metered service and disconnection is provided and (2) it is permitted by local ordinance.
 - (e) Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.
 - (f) The water utility may withhold approval of any application where full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.
 - (g) Extraterritorial Service. Mains and/or Service shall not be extended beyond the municipal boundary, except that mains may be routed across extraterritorial areas if such routing is found to be the most effective means of serving areas that lie within Village boundaries. Owners of parcels outside the Village in need of municipal service may petition for annexation to the Village and such petition will be considered by the Village Board.
- (3) Water other rates and charges.
- (a) Rates. See Appendix C, "Poynette Municipal Water Utility Authorized Rates and Rules", to this Ordinance.

- (b) Appendix C to this Ordinance adopts by reference Appendix C of the Wisconsin Public Service Commission's most recent Final Decision on rates and rules governing the Village of Poynette. Appendix C will be replaced by the most recent Public Service Commission "Poynette Municipal Water Utility Authorized Rates and Rules", immediately upon adoption of adjusted PSC rates by a Resolution of the Village Board.
- (4) Reconnection of Service. Where the water utility has disconnected service at the customer's request, a reconnection charge shall be made when the customer requests reconnection of service. See **Appendix C, Schedule R-1** for the applicable rate.
 - (a) A reconnection charge shall also be required from customers whose services are disconnected (shut off at curb stop box) because of nonpayment of bills when due. See Appendix C, Schedule R-1 for the applicable rate.
 - (b) If reconnection is requested for the same location by any member of the same household, or, if a place of business, by any partner of the same business, it shall be considered as the same customer.
- (5) Temporary Metered Service, Meter and Deposits. An applicant for temporary water service on a metered basis shall make and maintain a monetary deposit for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter. See **Appendix C, Schedule BW-1** for the applicable rate.
- (6) Water for Construction.
 - (a) When water is requested for construction purposes or for filling tanks or other such uses, an application shall be made to the water utility, in writing, giving a statement of the amount of construction work to be done or the size of the tank to be filled, etc. Payment for the water for construction may be required in advance at the scheduled rates. The service lateral must be installed into the building before water can be used. No connection with the service lateral at the curb shall be made without special permission from the water utility. In no case will any employee of the water utility turn on water for construction work unless the contractor has obtained permission from the water utility.
 - (b) Customers shall not allow contractors, masons, or other persons to take unmetered water from their premises without permission from

the water utility. Any customer failing to comply with this provision may have water service discontinued and will be responsible for the cost of the estimated volume of water used.

(7) Use of Hydrants.

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

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

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

(10) Service Laterals.

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

filled and lightly caulked with an oakum, mastic cement, or other resilient material and made impervious to moisture.

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

(11) Replacement and Repair of Service Laterals.

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

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

(13) Charges for Water Wasted Due to Leaks. See Wis. Admin. Code § PSC 185.35.

(14) Thawing Frozen Service Laterals. See Wis. Admin. Code § PSC 185.88.

(15) Curb Stop Boxes. The curb stop box is the property of the water utility. The water utility is responsible for its repair and maintenance. This includes maintaining, through adjustment, the curb stop box at an appropriate grade level where no direct action by the property owner or occupant has contributed to an elevation problem. The property owner is responsible for protecting the curb stop box from situations that could

obstruct access to it or unduly expose it to harm. The water utility shall not be liable for failure to locate the curb stop box and shut off the water in case of a leak on the owner's premises.

- (16) Installation of Meters. Meters will be owned, furnished, and installed by the water utility or a utility-approved contractor and are not to be disconnected or tampered with by the customer. All meters shall be so located that they shall be protected from obstructions and permit ready access for reading, inspection, and servicing, such location to be designated or approved by the water utility. All piping within the building must be supplied by the owner. Where additional meters are desired by the owner, the owner shall pay for all piping. Where applicable, see **Appendix C, Schedule Am-1** for rates.
- (17) Repairs to Meters.
- (a) Meters will be repaired by the water utility, and the cost of such repairs caused by ordinary wear and tear will be borne by the water utility.
 - (b) Repair of any damage to a meter resulting from the carelessness of the owner of the premises, owner's agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be damaged from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.
- (18) Service Piping for Meter Settings. Where the original service piping is installed for a new metered customer, where existing service piping is changed for the customer's convenience, or where a new meter is installed for an existing unmetered customer, the owner of the premises at his/her expense shall provide a suitable location and the proper connections for the meter. The meter setting and associated plumbing shall comply with the water utility's standards. The water utility should be consulted as to the type and size of the meter setting.
- (19) Turning on Water. The water may only be turned on for a customer by an authorized employee of the water utility. Plumbers may turn the water on to test their work, but upon completion must leave the water turned off.
- (20) Failure to Read Meters.
- (a) Where the water utility is unable to read a meter, the fact will be plainly indicated on the bill, and either an estimated bill will be computed or the minimum charge applied. The difference shall be

adjusted when the meter is again read, that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled, and credit will be given on that bill for the amount of the bill paid the preceding period. Only in unusual cases shall more than three consecutive estimated or minimum bills be rendered.

- (b) If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year, unless there is some reason why the use is not normal. If the average use cannot be properly determined, the bill will be estimated by some equitable method.
- (c) See Wis. Admin. Code § PSC 185.33.
- (d) Complaint Meter Tests. See Wis. Admin. Code § PSC 185.77.

(21) Inspection of Premises.

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

(22) Vacation of Premises. When premises are to be vacated, the water utility shall be notified, in writing, at once, so that it may remove the meter and shut off the water supply at the curb stop. The owner of the premises shall be liable for prosecution for any damage to the water utility's property. See "Abandonment of Laterals" (12) for further information.

(23) Deposits for Residential Service. See Wis. Admin. Code § PSC 185.36.

(24) Deposits for Nonresidential Service. See Wis. Admin. Code § PSC 185.361.

(25) Deferred Payment Agreement. See Wis. Admin. Code § PSC 185.38.

(26) Dispute Procedures. See Wis. Admin. Code § PSC 185.39.

(27) Disconnection and Refusal of Service. See Wis. Admin. Code § PSC 185.37.

The following is an example of a disconnection notice that the utility may use to provide the required notice to customers.

DISCONNECTION NOTICE

Dear Customer:

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

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

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

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

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

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

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

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

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

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

This time payment agreement will require:

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

In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our water utility, you may make an appeal to the Public Service Commission of Wisconsin by calling (800) 225-7729.

Poynette Municipal Water Utility.

- (28) Collection of Overdue Bills. An amount owed by the customer may be levied as a tax as provided in Wis. Stat. § 66.0805.
- (29) Surreptitious Use of Water. When the water utility has reasonable evidence that a person is obtaining water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the water utility service being delivered, the water utility reserves the right to estimate and present immediately a bill for unmetered service as a result of such interference, and such bill shall be payable subject to a 24-hour disconnection of service. If the water utility disconnects the service for any such reason, the water utility will reconnect the service upon the following conditions:
- (a) The customer will be required to deposit with the water utility an amount sufficient to guarantee the payment of the bills for water utility service.
 - (b) The customer will be required to pay the water utility for any and all damages to water utility equipment resulting from such interference with the metering.
 - (c) The customer must further agree to comply with reasonable requirements to protect the water utility against further losses.
 - (d) See Wis. Stat. §§ 98.26 and 943.20.
- (30) Repairs to Mains.
- (a) The water utility reserves the right to shut off the water supply in the mains temporarily to make repairs, alterations, or additions to the plant or system. When the circumstances will permit, the water utility will give notification, by newspaper publication or otherwise, of the discontinuance of the water supply. No credit will be allowed to customers for such temporary suspension of the water supply.
 - (b) See Wis. Admin. Code § PSC 185.87.
- (31) Duty of Water Utility with Respect to Safety of the Public. It shall be the duty of the water utility to see that all open ditches for water mains, hydrants, and service laterals are properly guarded to prevent accident to any person or vehicle, and at night there shall be displayed proper signal lighting to insure the safety of the public.
- (32) Handling Water Mains and Service Laterals in Excavation Trenches. Contractors must call Digger's Hotline and ensure a location is done to establish the existence and location of all water mains and service laterals

as provided in Wis. Stat. § 182.0175. Where water mains or service laterals have been removed, cut, or damaged during trench excavation, the contractors must, at their own expense, cause them to be replaced or repaired at once. Contractors must not shut off the water service laterals to any customer for a period exceeding 6 hours.

(33) Protective Devices.

- (a) Protective Devices in General: The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply and all appliances 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 and/or low pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
- (b) Relief Valves: On all "closed systems" (i.e., systems having a check valve, pressure regulator, reducing valve, water filter, or softener), an effective pressure relief valve shall be installed at or near the top of the hot water tank or at the hot water distribution pipe connection to the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. See applicable plumbing codes.
- (c) Air Chambers: An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with local plumbing codes. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

(34) Cross-Connections.

- (a) Every person owning or occupying a premise receiving municipal water supply shall maintain such municipal water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source or of any manner of connection with any fixture or appliance whereby water from a foreign supply or the waste from any fixture, appliance, or waste or soil pipe may flow or be siphoned or dumped into the piping of the municipal water system.

- (b) See Wis. Admin. Code § NR 811.06-.07.
- (35) Water Main Extension Rules. Water mains will be extended for new customers on the following bases:
- (a) Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Wisconsin Statutes § 66.0703 will apply, and no additional customer contribution to the utility will be required.
 - (b) Where the municipality is unwilling or unable to make 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 a. (above).
 - 2. Part of the contribution required in b.i., above, will be refundable. When additional customers are connected to the extended main within 10 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under a., above, 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 a., nor will it exceed the total assessable cost of the original extension.
 - 3. When a customer connects to a transmission main or connecting loop installed at utility expense within 10 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under a.
- (36) Water Main Installations in Platted Subdivisions.
- (a) Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the utility.
 - (b) If the developer, or a contractor employed by the developer, is to install the water mains (with approval of the utility), the developer shall be responsible for the total cost of construction.

- (c) If the utility or its contractor is to install the water mains, the developer shall be required to advance to the utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within 30 days. If final costs are less than estimated, a refund of the overpayment will be made by the utility.

(37) Irrigation Meters.

- (a) A primary meter measures water consumed and disposed of through the public water and sanitary sewer system. An irrigation meter may additionally be installed to measure water which is not disposed of through the public sanitary sewer treatment system for residential, commercial, and industrial uses. The water used for irrigation meters would include water for yards, gardens, and other uses where sanitary sewer charges are not applicable. Irrigation meters shall be installed parallel to the prime meter. Sewer charges shall not apply to water amounts measured by irrigation meters. The water rate to be charged for irrigation meters shall be the same rate as provided in Appendix C, PSC Authorized Rates and Rules, General Service – Metered – Mg-1. Shut off valves are required ahead and after the irrigation meter, within one (1) foot of the meter. A backflow preventer (approved by the Village) to protect against contamination of the water system must be installed after the irrigation meter. The irrigation meter must be installed with the arrow on the meter being in the direction of the flow of water to be used by the owner.
- (b) Irrigation meters connected to underground irrigation systems are allowed in Village right-of-way with the understanding that any needed repairs of the irrigation system caused by maintenance of utilities, road right-of-way construction, and/or snow/ice removal will be at the owner's expense.
- (c) The following shall be owner's responsibility for establishing an irrigation meter:
 - (i) The irrigation meter shall be purchased from the Village of Poynette. The owner is responsible for all costs associated with installation of the irrigation meter, including the cost of the meter and other equipment as well as plumbing costs.
 - (ii) The customer must notify the Water Utility when the irrigation meter, backflow prevention device, and system

have been installed so the meter can be inspected. The exemption from the sewer service charges will not be effective until the Village has inspected the installation and determined that Village requirements have been met.

- (iii) The owner, at their expense, is responsible for upgrading the irrigation meter when and if the Village implements a meter system update. The owner has thirty (30) days from the time the Village installs an upgraded primary meter at that location to have an inspection scheduled for the new irrigation meter. Failure to do so will result in the immediate disconnection of the irrigation meter system and re-installation of plumbing through the primary meter only.

[Amended by Ord. No. 15-520 on 8/24/2015]

5.02 **Sewer Utility; User Charge System and Regulations.**

- (1) Authority. This Ordinance is adopted under the authority granted by §§ 62.18, 62.185 and 62.19 of the Statutes.
- (2) Title. This Ordinance shall be known as, referred to and cited as the "USER CHARGE AND SEWER USE ORDINANCE FOR THE VILLAGE OF POYNETTE, STATE OF WISCONSIN", and hereinafter referred to as the "Ordinance".
- (3) Findings and Declaration of Policy. The Village Board of the Village of Poynette, Columbia County, Wisconsin, hereby finds that the requirements for the issuance of State grants and the acceptance of such grants by the Village of Poynette under The Wisconsin Grant Fund Program, § 144.24, Stats., and the regulations of the Wisconsin Department of Natural Resources as set forth in Chapter NR 128, Wisconsin Administrative Code, for the construction of waste treatment works to improve the quality of effluent discharges from the Village of Poynette, establish:
 - (a) The necessity of adoption of 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;
 - (b) The necessity of enacting regulations that control the use and inflow into wastewater treatment works.
- (4) Purpose and Intent. The purpose of the Ordinance is to promote the public health, safety, prosperity, aesthetics, and general welfare of the citizens of the Village of Poynette, Columbia County, Wisconsin, and is designed to

provide the legislative enactment's required under § 144.24(8)(a), Stats., NR 128.20(5), Administrative Code, and applicable (State) regulations for the acceptance of construction grants to improve the quality of effluent discharges from the wastewater treatment works. It is further intended to provide for administration and enforcement of the Ordinance and to provide penalties for its violations.

- (5) Abrogation and Greater Restrictions. It is not intended by this Ordinance 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 Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
- (6) Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Statutes of the State of Wisconsin.

5.021 **SUBCHAPTER I – REVENUE** (AM 7/10/06 ORD 06-378)

- (1) Establishment of Revenue System. A user charge shall be assessed to all users by the Village in accordance with the provisions of the Ordinance.
- (2) User Charge System.
 - (a) Budget and Appropriation. The Village shall biennially prepare an estimate of the anticipated costs for each category of user charge, as outlined hereafter, for the forthcoming year. These estimates shall be in the form of a report to the Village Board prior to the enactment of the budget for the ensuing year.
 - (b) Operation and Maintenance Charges.
 - 1. Operation and maintenance costs shall be separated in accordance with their applicability to flow, BOD, TSS, and monitoring sampling/analysis. The percentage breakdown shall be reviewed biennially by the Village and approved by the Village Board.
 - 2. Operation and maintenance costs for flow, BOD, and TSS are totaled for each. The unit charges for each are obtained by dividing the total costs of the previous year's total billable flow in 1,000 gallons, billable pounds of BOD, and billable pounds of TSS. The monitoring unit charge is obtained by dividing the

total monitoring sampling/analysis costs for each industrial user by the number of samplings/analyses per year for that user class.

(c) Replacement Charges.

1. The replacement charge shall be sufficient to replace any equipment in the sewers or sewage works owned by the Village as required, in order to assure the continued peak performance of the equipment and to maintain the capacity for which the sewers and sewage works were designed and constructed. The service life for real and personal property shall be established by the Village Engineer in cooperation with the Village auditors, in accordance with experience of the Village, State and Federal guidelines and accepted accounting procedures. Each piece of equipment shall be evaluated biennially to determine if its useful life has been extended as a result of preventive maintenance programs or repairs.
2. Yearly replacement costs for each piece of equipment shall be separated in accordance with their applicability to flow, BOD, and TSS. This breakdown shall be reviewed biennially by the Village Engineer and approved by the Village.
3. The yearly replacement costs attributable to flow, BOD, and TSS shall be divided by the previous year's total billable flow in 1,000 gallons, billable pounds of BOD, and billable pounds of TSS, respectively, and totaled to obtain unit replacement charges.

(d) Administrative and Sampling Charges.

1. The total administrative and overhead costs associated with billing, collection, and record keeping shall be determined by the Village and assessed against users.
2. Industrial users shall be charged an additional amount to cover the cost of wastewater monitoring, proportionate to the number of samples and the unit sampling costs for their user class. This additional amount shall be determined as described in § 5.21(2)(e)2. of the Ordinance.

(e) Additional Charges. Additional charges shall be billed, as required, for the following:

1. Actual costs incurred for user-requested samplings and analyses.
2. Actual costs incurred for water meter inspection requested by the user.
3. Actual costs incurred for special handling not provided for elsewhere in this Ordinance.
4. Actual costs incurred for handling a user's check returned because of insufficient funds.
5. Costs for revenue bond amortization.
6. Each user which discharges toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for such increased costs and toxic monitoring.

(3) Wastewater Treatment Charges.

- (a) All Users. The basic wastewater treatment bill to be paid by all users shall consist of user charges for operation, maintenance, and replacement, using the unit charges from §§ 5.021(2)(b) and (c) of this Ordinance, and user charges for billing and collection as described in § 5.021(2)(d) of the Ordinance. The unit charges shall be applied to the user's billable flow, BOD, and TSS respectively.
- (b) Industrial and Commercial Users.
 1. In addition to the basic wastewater treatment bill described in §5.021(3)(a) of the Ordinance for the user charge system, wastewater treatment bills for industrial and commercial users shall consist of industrial waste monitoring charges as described in § 5.021(2)(d) of the Ordinance.
 2. The Village shall periodically sample and analyze wastes from selected users in each industrial and commercial user classification to determine the BOD and TSS 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 Village Engineer as having special problems. At the request of the user, samples shall be made and analyzed on the same frequency as samples of the user's classification, and that analysis shall be

used as typical of that particular user's waste for billing purposes. Industries with wastes classified by the Village Engineer as having special problems shall, if directed by the Village Engineer, install at the industry's own cost and in a structure located on the building service line, whatever sampling devices are required by the Village Engineer to obtain exact information about the waste.

- (c) Additional Charges. Additional charges as described in § 5.021(3)(f) of the Ordinance shall, if required, be listed on the wastewater treatment bill.
- (d) Residential Equivalent Unit Connection (REUC). A "residential unit" means a building or portion thereof which is designed for and intended to be used as a home, residence, or sleeping place by an individual, or by two or more individuals maintaining a common household, to the exclusion of all others.
 - 1. Residential users.
 - a. Except as set forth in Paragraph b., each family or living unit for which the building or structure is designed or intended to be used shall be equivalent to one REUC.
 - b. In any building or structure with four or more living units in which all occupancy is restricted to no more than two persons per unit with one such person being at least 55 years of age, each living unit shall be equivalent to .50 REUC. (AM 2-26-96 ORD 96-266)
 - 2. Commercial users.
 - a. Each separate or distinct commercial use for which the building or structure is designed or intended to be used shall be equivalent to one REUC.
 - 3. Industrial users.
 - a. The number of REUCs assigned to a building or structure designed or intended for an Industrial, School or other Public use shall be determined by the Village Board on the basis of the specific facility requirements. (AM 2-26-96 ORD 96-266)

(e) Minimum Charge System.

1. The minimum charge for the first 8,000 gallons per quarter for each REUC shall be \$60.00 with amounts over 8,000 gallons charged at the rate of \$6.72/1,000 gallons.

[Amended 8/24/2015 via Ord. No. 15-520]

2. For users not in the corporate limits of the Village, the rate shall be the same as above, but the surcharge on debt amortization shall be \$15.00 per quarter. Total minimum rate shall be \$68.76/quarter for the first 8,000 gallons with the amount over 8,000 gallons to be charged at \$6.72/1000 gallons.
3. For users whose flow is equalized by a method acceptable to the Village, the minimum charge shall be \$1.74 per 1,000 gallons and \$11,385 annually for debt for the first 50,000 gallons per day of peak volume discharged and \$228 per 1,000 gallons per day thereafter.
4. For users who have been authorized by the Utility to utilize a private well for water, but are nonetheless customers of the Wastewater Utility, and whose flow is therefore not practically measurable, the following basis shall be used for charge purposes:
 - (a) For residences with one occupant, an amount based upon the minimum charge volume from subparagraph 1., above, plus two thousand gallons shall be charged.
 - (b) For residences with more than one occupant, an amount based upon the minimum charge volume from subparagraph 1., above, plus two thousand gallons per each occupant shall be charged.
5. Rates established in 1. through 3., above, may be adjusted from time to time by Resolution of the Poynette Village Board.

(f) Wastewater Surcharge.

1. A surcharge shall be imposed on the rates charged to users for the treatment of high strength waste. The surcharge shall be based on the volume, strength, and character of the high strength waste treated as compared to volume, strength and

character of normal domestic sewage experienced by the Village.

2. High strength waste is defined as any sewage having waste characteristics greater than normal domestic sewage (250 mg/1 BOD, 300 mg/1 suspended solids, 700 mg/l chlorides and 6 to 9 pH).
3. The surcharge for high strength waste shall be charged at a rate of \$1.00/lb. BOD and \$1.00/lb. suspended solids, \$1.00/lb. chlorides, and \$2.00/PH point/1,000 gallons, for waste characteristics in excess of normal domestic waste characteristics.

(g) Sewer Connection Fee (AM 10-09-95 ORD 95-265)

1. Pursuant to the authority granted by 66.0821, Wis. Stats., and in addition to all other sewer charges imposed under this Chapter, a sewer connection fee, in the amount of \$1521.00 for each REUC, shall be paid to the Village by the owner of any property upon connecting any building or structure thereon to a sanitary sewer where such building or structure was not connected to a sanitary sewer served by the wastewater treatment utility on the effective date of this paragraph.

(h) Billing. Billing shall be performed quarterly at the end of each calendar quarter. Billing will normally be done as part of a combined invoice including fees for the Water Utility, Wastewater Utility, Stormwater Utility and such other utilities and special fees or assessments as may be added from time to time by the Village Board. The wastewater volume billed shall be based upon and equal to water consumption for the period and shall be billed at rates described in 5.021(3), above, except as modified below:

1. Deduct Meter. The Village will allow deductions on sewer bills for water which is used but does not enter the sanitary sewer system for seasonal outside use of water through exterior hose bibs for purposes of gardening, watering lawns, filling swimming pools/hot tubs, and washing vehicles when measured through the use of a deduct meter. The provisions of this Section shall apply to existing deduct meter accounts established prior to the adoption of Ordinance No. 15-520. As of January 1, 2018, existing deduct meters will need to meet

the requirements outlined for irrigation meters provided for within this Chapter.

- b. Deduct meters shall be read along with water meters once quarterly, and the volume that passed through the meter shall be deducted from the wastewater volume consumption for the period at current rates per 1,000 gallons, resulting in a reduced charge for wastewater for the period. A minimum calculated average of 8,000 gallons of water use per quarter must be verified by the Village in order to receive the deduction.

[Amended 8/24/2015 via Ord. No. 15-520]

- 2. Leak Adjustments. When water consumption for a given period is substantially increased due to leaks in the plumbing system of a property, the resident may ask for an adjustment of the sewer volume to partially offset the increased cost for the period.
 - a. Adjustments will not be made until the problem which caused the increased consumption is corrected, and such correction is documented with the wastewater utility.
 - b. Upon such documentation, the wastewater charge for the period may be adjusted downward to reflect the average charge for the previous four quarterly periods, except where the volume for one or more of those periods was unusually high or low for the customer. In such case, the average of the most recent representative periods shall be used for averaging purposes.
 - c. Such adjustment shall not be made more than one time in any 12-month period.

(i) Delinquent Bills.

- 1. Any bill not paid twenty (20) days after date of billing shall be declared delinquent and a past due notice issued to the billed party.

[Amended 8/24/2015 via Ord. No. 15-520]

- 2. Should a bill still be delinquent 120 days after the date of billing, the bill may be referred to the Village Attorney for

collection under the terms and conditions of Wis Stat § 66.0809(3). For delinquent balances existing on October 15 in each year:

- a. Notice shall be given to the owner or occupant of all lots or parcels of real estate to which utility service has been furnished prior to October 1 by the utility and payment for which is owing and in arrears at the time of giving the notice.
 - b. The Utility shall furnish the treasurer with a list of the lots or parcels of real estate for which utility service charges are in arrears, and the notice shall be given by the treasurer.
 - c. The notice shall be in writing and shall state the amount of arrears, including any penalty assessed pursuant to the rules of the utility; that unless the amount is paid by November 1 a penalty of 10% of the amount of arrears will be added; and that unless the arrears, with any added penalty, are paid by November 15,
 - d. The arrears and penalty will be levied as a tax against the lot or parcel of real estate to which utility service was furnished and for which payment is delinquent.
 - e. The notice may be served by the Public Works Director or designee, delivery to either the owner or occupant personally, or by letter addressed to the owner or occupant at the post-office address of the lot or parcel of real estate.
3. Non-receipt of any bill described in § 5.021(3)(h) of the Ordinance shall not release the user of liability for any of those charges. In any case where the user is responsible for the non-receipt of the bill, the conditions herein described for late payment and penalties shall apply. In those instances where the Village is responsible for the non-receipt of the bill, the Village may, at its discretion, grant the user an extension of the discount period and late payment conditions described herein.
- (4) Debt Service. Revenues to pay for debt service shall be collected as required for revenue bond amortization. See Section on this in User Charge System (UCS) attached.

5.022 SUBCHAPTER II - ACCOUNTING

(1) User Charges.

- (a) Money. All user charge payments shall be placed in the wastewater utility's general fund. Such money shall be used only to cover the costs of operation and maintenance, replacement, toxic, handling and sampling, and other costs as outlined in § 5.021(3) of the Ordinance. (AM 7/10/06 ORD 06-378)
- (b) Expenditures. Expenditures shall be made from the user charge monies by the Village in accordance with the detailed annual budget and Ordinance authorized by the Village Board.
- (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 preventative maintenance programs or of such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and charged to the fixed assets groups of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the replacement reserve requirements.
- (e) Audit. An audit shall be performed biennially at the same time that the other books of account of the Village are audited and in the same manner.
- (f) Excess Revenues. The Village will apply excess revenues collected from a user class or OMR costs attributable to that class for the next year.
- (g) User Notification. That the users will be notified annually of the portion of their wastewater treatment charges attributable to operation, maintenance, and replacement costs.

5.023 SUBCHAPTER III - SEWAGE COLLECTION AND TREATMENT REGULATIONS

- (1) Conditions for Discharge Into Treatment System.
 - (a) Public wastewater collection facilities are required to be used for the deposit of human wastes, garbage, or other liquid wastes that cannot be discharged into a receiving stream or disposal of in any other manner in accordance with federal and state statutes and state administrative regulations and approved by the Wisconsin Department of Natural Resources.
 - (b) No building or facility shall be connected in any sewer unless the entire property on which the building or facility is situated is located within the corporate limits of the Village, except as provided in (5) of this Ordinance.
 - (c) No person shall place, deposit, or discharge, or cause to be placed, deposited, or discharged, upon public or privately-owned property any wastewater within the corporate limits of the Village unless done so within adequately sized holding facilities approved by all applicable federal, state, and local agencies.
 - (d) No person shall deposit or discharge, or cause to be deposited or discharged, to any wastewater collection facilities, any solid, liquid, or gaseous waste unless through a connection approved under the terms of this Ordinance.
 - (e) No person shall discharge any sewage, waste or material, industrial waste, or any polluted water into a stream, the air, or onto the land, except where the person has made and provided for treatment of such wastes which will render the content of such wastes' discharge in accordance with applicable Village, state and federal laws, ordinances and regulations.
 - (f) In case of natural outlet discharges, at the time construction of the waste treatment works is commenced, each owner or operator shall furnish the Village an approved Wisconsin Pollutant Discharge Elimination System (WPDES) permit setting forth the effluent limits to be achieved by such pretreatment facilities and a schedule for achieving compliance with such limits by the required date. The WPDES permit shall be kept on file with the Village Engineer and updated by such information as periodically required by the Village, local, state and/or federal agencies.

- (g) Any person who owns property within the corporate limits of the Village of Poynette, which property is improved with one or more residences, houses, buildings, or structures for, or intended for, human use, occupancy, employment, or any other similar purpose whatsoever, and which property abuts on any street, alley or right-of-way in which there is located a sewer within 100 feet from the nearest property line shall within 90 days after such sewer is in service, at his expense install suitable toilet and waste disposal facilities in the residences, houses, buildings or structures and connect the facilities with the sewer in accordance with the terms and provisions of the Ordinance; provided, however, that in the event compliance with the section of the Ordinance causes economic hardship to the person, he may apply to the Village for exemption. An application for exemption shall state in detail the circumstances that are claimed to cause the economic hardship. Exemptions shall only be granted to residential users and shall not apply to commercial and industrial users. Any connection to the sewer under this Ordinance shall be made only if the Village determines that there is capacity, including BOD and TSS capacity, available in all downstream sewer lift stations and sewer lines and in the treatment plant.
- (h) Persons described in (1)(e) through (g) of this Ordinance shall not avoid connection to the sewer by reason of the actual distance between the building or structure and the connecting point of the sewer line.

(2) Limitations on Discharge.

- (a) No person shall discharge, or cause to be discharged, any stormwater, groundwater, surface drainage or unpolluted industrial cooling waters to any sewer connected to the Village's waste treatment plant. New connections from inflow sources into the sanitary sewer portions of the sewer system shall be prohibited. Basement drainage entering the sewer at the time this Ordinance is adopted shall be permitted to continue, but no new connections emptying roof runoff or basement drainage into the sewer shall be permitted after the date of this Ordinance.
- (b) Except as hereinafter provided, no person shall discharge, or cause to be discharged, any of the following material to any sewer connected to the Village's treatment plant:
 - 1. Any liquid or vapor having a temperature higher than 150° Fahrenheit.

2. Any water or wastes which may contain more than 100 milligrams per liter of mat, oil, grease, or hexane extractable material, or substances which may solidify or become viscous at temperatures between 32° and 150° Fahrenheit.
3. Gasoline, benzene, naphtha, fuel oil, or other combustible, flammable, or explosive liquid, solid, or gas of whatever kind or nature.
4. Any garbage that has not been properly shredded.
5. Any gasses, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
6. Any waste that discharges paint or any other coloring material that does not settle out from the waste.
7. Any water or wastes having a pH lower than six or higher than nine, or having any other corrosive properties capable of causing damage or hazard to sewers, structures, equipment, or personnel of the waste treatment works.
8. Any water or waste containing any toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or that would constitute a hazard to humans or animals, or that could create any hazard in the receiving waters of the sewage treatment plant.
9. Any water or waste containing BOD in excess of 250 mg/l or suspended solids in excess of 300 mg/l, and of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as may be permitted by specific, written agreement with the Village, which agreement may provide for special charges, payments, or provisions for treating and testing equipment.
10. Any noxious or malodorous gas or substance capable of creating a public nuisance.

11. Any amount of the following constituents exceeding that listed below:

	<u>mg/l</u>		<u>mg/l</u>
Aluminum	800.0	Fluorides	1.2
Arsenic	.025	Iron, total	56.0
Barium	2.0	Lead	1.5
Boron	1.0	Manganese	1.0
Cadmium	2.0	Mercury	0.0005
Chlorides	700.0	Nickel	6.7
Chromium total	21.8	Phenols	0.3
Chromium (Hexavalent)	3.6	Selenium	1.0
Copper	17.6	Silver	0.1
Cyanide	1.2	Zinc	16.5
Total dissolved solids	1500.0		

12. Ammonia nitrogen in such an amount as would cause the Village to be in noncompliance with regulations of the State of Wisconsin Department of Natural Resources.
13. No provision of this section of this Ordinance shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed or required by the United States Environmental Protection Agency or the State of Wisconsin Department of Natural Resources.

(3) Pretreatment.

- (a) Grease, oil, and sand interceptors or retainers shall be installed by the user at its own expense when, in the opinion of the Village Engineer, such are necessary for the proper handling of liquid wastes containing grease, oils, or sand in excessive amounts, of any inflammable wastes, and of such other harmful ingredients. Such interceptors shall be of a type and capacity approved by the Village Engineer and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Village Engineer.
- (b) Where installed, all grease, oil and sand interceptors shall be maintained by the user, at his own expense, and shall be kept in continuous and efficient operation at all times.
- (c) In the event the Village approves the admission of any materials into its sewers as set forth in (2)(b) of the Ordinance, the Village shall direct the user causing admission of any such materials, to, at his

own expense, construct, install, and operate such preliminary treatment plants and facilities as may be required in order to:

1. Reduce the BOD to 300 parts per million and the suspended solids to 350 parts per million by weight.
 2. Reduce objectionable characteristics or constituents to within the maximum limits provided for in (2(b) of the Ordinance.
 3. Control the quantities and rates of discharge of such waters or wastes.
- (d) No preliminary treatment plant and facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance shall conform to all Village, State 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 the State of Wisconsin Department of Natural Resources, and any other local, state or federal agency having regulatory authority with respect thereto.
- (e) All such preliminary treatment facilities as required by the Ordinance shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby, and at the user's expense.
- (f) No provision contained in the Ordinance shall be construed to prevent or prohibit a separate or special contract or agreement between the Village and any industrial user whereby industrial waste and material of unusual strength, character, or composition may be accepted by the Village for treatment, subject to additional payment therefore by the industrial user; provided, however, that such contract or agreement shall have the prior approval of the Village.
- (g) The Village reserves the right to reject admission to the system of any waste harmful to the treatment or collection facilities or to the receiving stream.
- (4) Private Sewage Treatment and Disposal.
- (a) Where a public sewer is not available, as set forth in (1) of the Ordinance, the building or structure shall be connected to a private sewer, and a disposal or treatment system shall be constructed in

compliance with the terms and provisions of all applicable Village, county, state and federal laws and regulations.

- (b) Within 90 days after a property served by a private sewer or disposal system as described in this section shall become subject to the terms and provisions of (1)(g) of the Ordinance, a direct connection shall be made to the public sewer according to the terms and provisions of the Ordinance, and all private sewers, disposal systems, septic tanks, cesspools, and other appurtenances of such private sewer and disposal system shall be disconnected and abandoned and all openings, tanks, or other containers of human wastes, garbage, and other wastes shall be permanently filled with granular material.
- (c) The Village shall not be responsible in any way for the operation and maintenance of a private sewer or disposal system or facility.
- (d) No provision of the Ordinance shall be construed to provide lesser requirements for private sewers and disposal systems than are presently or may hereafter be imposed and required by any other local governmental body or the state or federal government.

(5) Service to Outlying Territory.

- (a) The Village, by proper resolution of the Village Board, shall have the right, at its discretion, upon payments, terms, and conditions as may be mutually agreed upon, to contract in writing for the right to use any sewer service property located wholly or partly outside the Village's corporate limits.
- (b) In the event a contract is made pursuant to (5)(a) of the Ordinance, a user of any sewer serving property wholly or partly outside the Village's corporate limits shall be subject to all of the terms and provisions of this Ordinance, and in addition to all payments and charges, be required to pay all equivalent costs, taxes, charges, and expenses as would be imposed upon and paid by a user situated within the corporate limits of the Village.
- (c) If any property of a person desirous of becoming a user is situated outside the Village and not contiguous thereto so that it may not properly be annexed to and become part of the Village, the Village, at its discretion, may permit such a connection, provided that a contract providing essentially the following be entered into between the Village and the user:

1. The user may connect buildings situated on the fully-described tract set forth in the agreement and in accordance with all applicable laws, ordinances, and regulations of the Village, and local, state, and federal governments.
2. The wastes and material discharge shall meet all present and future standards for content and volume, and the user shall further agree to pay all future connections, user, and treatment or service charges which are applicable to all property and users uniformly. Unmetered connections to individual residential users shall be charged a user fee, which is the average of residential user fees paid in the metered system.
3. The user, his successors and assigns shall, in addition to costs noted previously, pay annually the total of the average rate per Village resident for operation, maintenance and replacement, and the average rate per customer for capital cost recovery, plus a surcharge as determined by the Village Board for that part of the rate which relates to capital cost recovery.
 - a. The amount computed for use shall be prorated from the date of the contract if the user used the sewer system for only a partial year.
 - b. If the user, or any successor, or assigns thereof, shall fail to pay the amount when due, each and every sewer upon the property, or any subdivided tract thereof, for which payment is not made shall be disconnected by the owner from any other sewer which was connected under the contract and ultimately attaches to the Village treatment plant. The user shall have caused or required its sewer system to be constructed within the property in order that separate tracts may be so disconnected, and hereby gave and granted the Village an irrevocable easement for the purpose of going upon the same and disconnecting any such sewer if the producer, its successors or assigns, fails to disconnect promptly when such is required.
 - c. In addition to the right of disconnection, Village shall have a lien upon the property or subdivided portion of it in the amount of any unpaid charges due therefrom. Upon the filing of notice, the lien shall be deemed perfected, and the lien may be charged and redeemed

or foreclosed, and the property sold to satisfy the unpaid charges in accordance with the Wisconsin Statutes.

- d. The Village shall have the additional right to file a civil suit to recover the amount of the lien, the full cost incurred in disconnection, and all its reasonable legal expenses and attorneys' fees incurred as a result of the suit.
 - e. All amounts charged under (5)(c) of this Ordinance are due and shall continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the Village is paid in full for all amounts due it, and, in addition, the Village shall be paid a deposit equal to the estimated charge for the next succeeding year. This deposit shall be held by the Village in escrow, and will be returned upon satisfactory payment of amounts due the Village for a period of two years.
- 4. The Village shall not, without its prior written consent and acceptance, have dedicated to it, or own, any sewer system installed within the property, and the producer, its successors and assigns, shall maintain the same at its own cost; provided, however, that this provision shall not be construed to prohibit the dedication of part or all of said sewer system to another unit of government.
 - 5. Upon conveyance by the owner of all or any subdivided portion or tract of said property, the successor in title shall succeed to all rights and liabilities hereunder, and said owner shall have no future liability to the Village thereunder in respect to such tract except as shall have accrued as of the date the instrument of conveyance is recorded in the Office of the Register of Deeds of Columbia County, State of Wisconsin.
 - 6. In the event that such property therein described, or any subdivided or separate tract thereof, shall be annexed to the Village by proper ordinance, the agreement executed pursuant to (5)(c) of this Ordinance, as to such property or the subdivided or separate tract thereof which is so annexed, shall then terminate and be of no further force and effect.

7. The agreement executed under (5)(c) of this Ordinance shall be recorded in the Office of the County Register of Deeds, which recording shall constitute notice to any successor or assign of the owner of its terms and provisions, and to which any subsequent conveyance or assignment of the owner shall be the subject.
8. If any part or provision of the agreement shall be found or held by a court of competent jurisdiction to be invalid or unenforceable, then the entire agreement shall terminate and all sewers of the owner or its successors and assigns shall be promptly disconnected from any such system which ultimately connects to the Village treatment plant.
9. The applicant for treatment service under an agreement pursuant to (5)(c) of this Ordinance shall agree to assume user charges, industrial waste charges, and capital surcharge, if applicable, and to obtain from the Village the proper building permit by which the connection is allowed and the discharge permit, if applicable, which indicates what discharge will be made to the treatment system.

(6) Discharge Permits.

- (a) The Village reserves the right to require a discharge permit from commercial or industrial users of the sewer, and, if the Village does exercise the option, commercial or industrial users shall not discharge to a sewer without having first applied for and obtained a permit from the Village. Upon official notification from the Village, each commercial or industrial user presently discharging material to the sewer shall apply for and obtain such a discharge permit within 90 days from the date of such notification.
- (b) Commercial and industrial classification codes set forth in the Standard Industrial Classification Manual, 1972 Edition, as amended and supplemented, are adopted by the Village Board as the basis for the issuance of discharge permits for building connections to a sewer.
- (c) The application for a discharge permit shall be made on a form provided for that purpose by the Village, and shall be fully completed under oath by the property owner, user, or a duly authorized and knowledgeable officer, agent, or representative thereof, and acknowledged. If requested, the person making application shall also submit such scientific or testing data, or other information, as may be required by the Village. The Village Engineer shall also have, at his

discretion, the right to personally inspect the premises, equipment and material, and laboratory testing facilities of the applicant.

- (d) \$25.00 shall be charged for a discharge application or permit.
- (e) No discharge permit shall be issued by the Village to any person whose discharge of material to sewers, whether shown upon the application or determined after inspection and testing conducted by the Village Engineer, 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 Village in the manner hereinafter set forth. The Village shall state in writing the reason or reasons for denial or requirement for waiver-variance and said written communication shall be mailed or personally delivered to the applicant within five days after denial.
- (f) In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted such permit previously shall make a new application to the Village, in the same manner and form as originally made.
- (g) If the application for a new permit or for one because of change in the type or volume of material discharge is denied by the Village, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of (6)(e) of this Ordinance, and a waiver of variance is required, the user may have the entire Village Board review the denial, or may request waiver-variance, provided the user shall give written notice of his request 30 days after receiving the denial. The Village Board shall review the permit application, the written denial, and such other evidence and matters as the applicant and Village Engineer shall present at its next regular meeting following receipt of request for its review, and the decision of the Village Board rendered publicly at said meeting shall be final.
- (h) Should any discharge of material to a sewer materially and substantially differ in type and volume than shown in the application and permit, the person and user shall immediately, upon order of the Village Engineer, cease and desist from such discharge and shall also be subject to disconnection, fine, and other penalties provided by this Ordinance.
- (i) A grant of waiver or variance by the Village Board may set forth such conditions, exceptions, time limitations, duration, and expirations, as the Village Board deems necessary and proper.

(7) Construction of Sewers and Connections for Buildings.

- (a) The construction of sewers and connections for buildings shall be made as required by the applicable ordinances or the Village and by regulations of the Wisconsin Department of Natural Resources. Building drains-sanitary and building sewers-sanitary, together with all connections thereto, shall be constructed watertight to exclude all infiltration and inflow.
- (b) A construction permit shall first be applied for and obtained from the Village before a person, after the effective date of this Ordinance, can connect to any sewer located on properties with the corporate limits of the Village or on properties outside the Village where services have been contracted for with the Village.
- (c) Construction permits shall not be issued unless it has been determined by the Village that there is capacity available in all downstream sewerage facilities.

(8) Reporting Criteria for Nonresidential Users.

- (a) The Village reserves the right to require any nonresidential user to submit quarterly to the Village on forms provided by the Village, a certified statement of the characteristics of its industrial wastes discharged in the sewers and treatment works of the Village, or to any sewers connected to its treatment works. This statement shall be filed with the Village Engineer no later than the 10th day of the month following the quarter for which the report is required. The Village Engineer may require additional certified statements at any time if, in his judgment, the same shall be necessary to determine the source of materials, which have been found in the Village sewer.
- (b) The waste characteristics to be measured and certified by the user shall be:
 - 1. BOD in milligrams per liter.
 - 2. Suspended solids in milligrams per liter.
 - 3. Such other constituents of wastewater as directed by the Village Engineer.
- (c) Should there be a difference in understanding between the Village and user as to the characteristics in section (8) of this Ordinance, the

Village reserves the right to use the Village results from analyses for purposes of billing. Should submission not be made during the ten-day period, the Village shall use its results from analyses for purposes of billing.

- (d) Whenever required by the Village, the owner of any property serviced by a building sewer which carried nonresidential wastewater or material shall install a large manhole or sampling chamber in the building sewer in accordance with plans and specifications which have been submitted to and approved by the Village Engineer. Such device shall be installed and maintained at all times at the user's expense. Such device shall have ample room in each sampling chamber to accurately sample the wastewater effluent entering the sewer, and shall collect composite samples for analysis. The chamber shall be safely, easily, and independently of other premises and buildings of the user, accessible to authorized representatives of the Village at all times. The Village shall have exclusive access to such device, and no keys shall be in the possession of any user or any agent of the user. Where construction of such a device is not economically or otherwise feasible, the Village Engineer may approve alternate arrangements for sampling.
- (e) Each sampling chamber shall contain a Parshall flume, weir, or similar device with a recording and totalizing register for measuring liquid quantity; or the metered water supply to the industrial plant may be used as a measure of liquid quantity where it is substantiated by the Village Engineer that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment agreed to by the Village Engineer is made in the metered water supply to determine the liquid waste quantity.
- (f) Samples shall be taken periodically with such degree of frequency as the Village Engineer shall, in his discretion, determine. They shall be properly refrigerated and composited in proportion to the flow so as to present a representative 24-hour sample. Such sampling shall be done as prescribed by the Village Engineer to insure representative quantities for the entire reporting period. Minimum requirements for determination of representative quantities or characteristics shall include re-evaluation during each 12-month period. The determination of representative quantities and characteristics shall include not less than seven consecutive calendar days of 24 hours composite samplings taken during periods of normal operation, together with acceptable flow measurements.

- (g) The sampling frequency, sampling chamber, metering device, sampling methods, and analyses of samples shall be subject, at any time, to inspection and verification by the Village Engineer.
 - (h) 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 Standard Methods for the Examination of Water and Wastewater (latest edition) or with any other method approved by the Village.
 - (i) The Village may elect, at its option, to have the metering and sample collection done by the industrial plant personnel and have composite samples delivered to the Village Engineer for analysis. This procedure can also be terminated at any time by the Village upon reasonable notice.
- (8) Septic Haulers.
- (a) Non-industrial users hauling liquid wastes to the treatment plant shall be assessed user charge unit charges for billable flow, billable BOD, and billable TSS; the volume of which is determined for each day by the Village Engineer.
 - (b) Liquid wastes hauled to the treatment plant containing concentrations of constituents in excess of the limits set forth in (2) of this Ordinance shall not be accepted.

5.024 **SUBCHAPTER IV - ENFORCEMENT AND PENALTIES**

- (1) Inspection Rights. The Village Engineer, or any duly designated agent of the Village Engineer bearing proper credentials and identification, shall be permitted at any time to enter upon all properties within the corporate limits of the Village, or outside the Village, that have contracted for wastewater treatment service, for the purpose of inspecting, observing, measuring, sampling and testing, as may be required, in pursuance of the implementation and enforcement of the terms and provisions of this Ordinance.
- (2) Penalties for Violation of Ordinance. The penalty for violation of any provision of this Ordinance shall be a forfeiture of not less than \$10.00 nor more than \$200.00, together with the costs of prosecution. Each and every day during which such violation continues shall be deemed a separate offense.
- (3) Nonpayment of Bills.

- (a) The Village reserved the right to revoke discharge permits and to disconnect service to any user whenever wastewater treatment or capital surcharge bills become delinquent.
- (b) All amounts continue to be due whether or not said sewer is disconnected, and no sewer shall be reconnected until the Village is paid in full for all amounts due it, and in addition, there shall be paid to the Village a deposit equal to an estimated amount of such charge for the next succeeding year. Such a deposit shall be held by the Village in escrow, and will be returned upon satisfactory payment of all bills for a period of two years.

5.025 SUBCHAPTER V - DEFINITIONS

- (1) For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory, while the word "may" is permissive.
 - (a) Accrued Reserves shall mean a method of keeping accounts of the segregated resources over several years to determine the funds available to offset capital expenditures to maintain an on-going, on-line waste treatment facility.
 - (b) Authorized Expenditures shall mean those expenditures authorized by the Village Board of the Village and made payable from the accounts kept for the expenditures of the user charge. Expenditures from the reserve funds shall be limited to those for which the fund was created.
 - (c) Audit shall mean an audit as a separate report from other funds and shall cover the following:
 - 1. To determine that financial operations are properly conducted;
 - 2. Financial reports are presented fairly;
 - 3. Applicable laws and regulations have been complied with;
 - 4. Resources are managed and used in an economical and efficient manner; and,

5. Desired results and objectives are being achieved in a financially effective manner.
- (d) 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 Village Engineer. Minimum waste strength of BOD shall be the domestic waste concentration of 200 milligrams per liter for the purpose of billing for user charges.
- (e) Billable Flow shall mean a user's recorded quarterly water usage as metered by the appropriate water utility, plus metered water from wells and other sources, and less any sewer-exempt metered data, times the Village approved percentage factor for wastewater entering the sewer system outside of the metered water. Residential users on unmetered wells and users with no history of billable flow shall have their billable flow estimated by averaging the billable flow of other residential users of the same class.
- (f) Billable Total Suspended Solids (TSS) shall mean a user's loading in pounds of TSS calculated using the billable flow and concentration of TSS in the waste as determined by the Village Engineer. Minimum waste strength of TSS shall be the domestic waste concentration of 250 milligrams per liter for the purpose of billing for user charges.
- (g) Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20° Centigrade.
- (h) Building Drain - Sanitary shall mean that part of the lowest horizontal piping of a drainage system which receives sanitary or industrial sewage only and is located inside the walls of a building and conveys the sewage to the building sewer, which begins three feet outside the building wall.
- (i) Building Drain - Storm shall mean that part of the lowest horizontal piping of a drainage system which receives stormwater or other clearwater discharge, but receives no wastewater from sewage or other drainage pipes, and is located inside the walls of a building and conveys the sewage to the building sewer, which begins three feet outside the building wall.
- (j) Building Sewer - Sanitary shall mean the extension from the building drain to the public sewer or other place of disposal and conveys only

sanitary or industrial sewage. This is also known as a house connection.

- (k) Building Sewer - Storm shall mean the extension from the building drain to the public sewer or other place of disposal and conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage. This is also known as a house connection.
- (l) Class of Users means the division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, industrial, or governmental.
- (m) Collection Sewer shall mean a sewer whose primary purpose is to collect wastewater from individual point source discharges.
- (n) Combined Sewage shall mean a combination of both wastewater and storm or surface water.
- (o) Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water.
- (p) Commercial User shall mean for the purpose of the user charge system, a user engaged in the purchase or sale of goods, or in a transaction or business, or who otherwise renders a service.
- (q) Compatible Pollutant means BOD, suspended solids (SS), pH, and fecal coliform bacterial, plus additional pollutants identified in the NPDES permit, if the publicly-owned treatment works was designed to treat such pollutants and, in fact, does remove them to a substantial degree.
- (r) Deposited shall mean placing funds in control of the Village and, if said deposit is in the form of a bank check, deposit shall not be deemed collected within this definition until the applicable rules of the bank's collection procedures are fulfilled.
- (s) Depreciation shall mean an annual operating cost reflecting capital consumption and obsolescence (reduction of future service potential) of real and personal properties.
- (t) Dissolved Solids shall mean that concentration of matter in the sewage consisting of colloidal particulate matter one micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

- (u) Village shall mean the Village of Poynette.
- (v) Village Engineer shall mean the Village Engineer of the Village of Poynette.
- (w) Domestic Level User or Residential User shall mean, for the purpose of the user charge system, a user whose premises or building is used primarily as a domicile for one or more persons and whose wastes originate from the normal living activities of its inhabitants.
- (x) Easement shall mean an acquired legal right, less than fee simple, for the specific use of land owned by others.
- (y) Fecal Coliform shall mean any number of organisms common to the intestinal tract of humans and animals whose presence in sanitary sewage is an indicator of pollution.
- (z) 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.
- (aa) Force Main shall mean a pipe in which wastewater is carried under pressure.
- (bb) Functional Betterment shall mean a process improvement in the increased size facilities or a process improvement in existing facilities that is directly anticipated to preclude physical betterment's or is an indirect improvement to the process as a result of renewal on a cost effective basis.
- (cc) Functional Obsolescence shall mean the process deficiency of a functional element of a plant beyond the capacity of a preventive maintenance program to such extent that a new process device or piece of equipment would be more cost-effective.
- (dd) 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.
- (ee) Incompatible Pollutant shall mean any non-treatable waste product, including nonbiodegradable dissolved solids.
- (ff) Industrial User shall include manufacturing activities involving the mechanical or chemical transformation of materials or substances

into other products. These activities occur in establishments usually described as plants, factories, or mills characteristically using power-driven machines or material handling equipment.

- (gg) 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. Infiltration does not include, and is distinguished from, inflow.
- (hh) Infiltration/Inflow shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- (ii) Inflow shall mean the water discharge into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to: roof leaders, cellar, yard, and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers and/or combined sewers; catch basins; storm waters; surface runoff; street wash waters, or drainage. Inflow does not include, and is distinguishable from, infiltration.
- (jj) Interceptor Sewer shall mean a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
- (kk) Village Board shall mean the governing body of the Village.
- (ll) Wisconsin Pollutant Discharge Elimination Permit shall mean a permit issued under the Wisconsin Pollutant Discharge Elimination System (WPDES) for discharge of wastewater to the navigable waters of Wisconsin pursuant to §147.02, Wis. Stats.
- (mm) Natural Outlet shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (nn) Normal Domestic Strength Sewage as defined for the purposes of the Ordinance, shall mean wastewater or sewage having an average daily suspended solids (SS) concentration of not more than 250 milligrams per liter and an average daily BOD of not more than 200 milligrams per liter.
- (oo) Operation and Maintenance Costs shall 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 wastewater, necessary to insure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long-term facility management.

- (pp) Person shall mean any individual, firm, company, association, society, corporation, or group discharging any wastewater to the wastewater treatment facility.
- (qq) Personal Property shall mean, for the purpose of the user charge system, all equipment owned by the Village, and used in the transport and treatment of sewage. Such equipment must be mechanical, electronic, or electrical, or have movable parts.
- (rr) 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.
- (ss) Physical Betterment shall mean the expansion of a physical facility to increase capacity of the treatment works.
- (tt) Physical Obsolescence shall mean the material deficiency of a functional element of a treatment plant to a point that repair is normal or preventative maintenance is not cost-benefit effective.
- (uu) 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.
- (vv) Private Sewer shall mean a sewer that is not owned by the Village.
- (ww) Public Sewer shall mean a sewer which is owned and controlled by the Village and is separate from and does not include sewers owned by other governmental units.
- (xx) Pumping Station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.
- (yy) Real Property shall mean, for the purpose of the user charge, all fixed physical facilities owned by the Village and used in the transport and treatment of sewage which do not have movable parts, such as buildings, tanks, sewers, structures and the like.

- (zz) Renewal Costs shall mean the expenditures from reserve funds or other funds to overcome physical and/or functional consumption of plant capacity or function or obsolescence of same, in order that the equivalent in function of plant is present at the end of the anticipated useful life.
- (aaa) 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. The term "Operation and Maintenance Costs", as defined in section (oo) of the Ordinance, includes replacement costs.
- (bbb) Replacement Reserve shall mean an account for the segregation of resources to meet capital consumption of personal or real property.
- (ccc) Sanitary Sewer shall mean a sewer which carries only sanitary or sanitary and industrial waste waters from residences, commercial buildings, industrial plants, and institutions, and to which storm, surface, and ground water are not intentionally admitted.
- (ddd) Sewage shall mean the combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow.
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, stormwater, infiltration, and inflow carried to the wastewater treatment facilities by a combined sewer.
- (eee) Shredded Garbage shall mean garbage that has been shredded to 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 inch (1.25 centimeters) in any dimension.

- (fff) Significant Industry shall mean any industry that will contribute greater than 10% of the design flow and/or design pollutant loading of the treatment works.
- (ggg) Slug shall mean any discharge of water or wastewater in concentration of any given constituent or in any quantity of flow which exceeds for any period of duration longer than 15 minutes more than five times the allowable concentration of flows during a normal working day (i.e., 1, 2, or 3 shift operation) and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- (hhh) Standard Methods shall mean the laboratory procedures set forth in the following sources: *Standard Method for the Examination of Water and Wastewater*, 14th Edition, as amended, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation; *Methods of Chemical Analysis of Water and Wastes*, 1975, prepared and published by the Analytical Quality Control Laboratory, U.S. Environmental Protection Agency; *Guidelines Establishing Test Procedures for the Analysis of Pollutants*, enumerated in 40 C.F.R. § 136.1 et. seq. (1975), and amended; and/or any other procedures recognized by the U.S. Environmental Protection Agency and the State of Wisconsin Department of Natural Resources.
- (iii) Storm Sewer shall mean a sewer that carries only storm waters, surface run-off, street wash, and drainage, and to which sanitary and/or industrial wastes are not intentionally admitted.
- (jjj) Summer Quarter shall mean the user's quarter starting in June, July, or August and ending accordingly in August, September or October.
- (kkk) Suspended Solids (SS) or Total Suspended Solids (TSS) shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and is removable by laboratory filtration as prescribed in the "Standard Methods" enumerated in (hhh) of this Ordinance.
- (III) Total Solids shall mean the sum of suspended and dissolved solids.
- (mmm) Total 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 standards issued pursuant to § 307(a) of Public Law 92-500 as amended.

- (nnn) Unpolluted Water is water of a quality equal to or better than the effluent criteria in effect, or water that is of sufficient quality that it would not be in violation of federal or state water quality standards if such water were discharged into navigable waters of the state. Unpolluted water would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (ooo) Useful Life shall mean the anticipated term in years of physical and/or functional productivity of elements and/or the whole of the wastewater treatment system which can be re-evaluated as a result of preventive maintenance, renewal which offsets physical and/or functional obsolescence, renewal or capital elements due to consumption, and physical and/or functional betterment, direct or indirect.
- (ppp) 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.
- (qqq) Volatile Organic Matter shall mean the material in the sewage solids transformed to gasses or vapors when heated at 500° Centigrade for 15 minutes.
- (rrr) Wastewater Treatment Works 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.
- (sss) Watercourse shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.
- (ttt) Water Works shall mean all facilities for water supply, treatment, storage reservoirs, water lines, and services and booster stations for obtaining, treating, and distributing potable water.

5.03 **Sewer service Laterals; Maintenance and Repair.**

- (1) Lateral for purposes of this section shall mean the pipe conveying sewage from the point of discharge to the main pipes in the roadway or alley, referred to as the Sewage Collection System. The word lateral shall not be construed to include any plumbing within the interior of any building.

- (2) Sewer service laterals shall be maintained and repaired by and at the expense of the owner of the property serviced. Repairs or maintenance shall include cleaning, root removal, and relaying any or all of said lateral.
- (3) Any property owner or his agent contemplating excavation of a lateral for repair or relaying shall comply with all provisions of this Code governing construction, installation, inspection, and use of plumbing in the Village.

5.031 **Sewer Main Extension Rules.** Sewer mains will be extended for new customers on the following bases:

- (2) Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Wisconsin Statutes § 66.0703 will apply, and no additional customer contribution to the utility will be required.
- (3) Where the municipality is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:
 - (a) 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 (1) (above).
 - (b) 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 (1) (above).
 - (c) Part of the contribution required in (2)(a), above, will be refundable. When additional customers are connected to the extended main within 10 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under a., above, 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 a., nor will it exceed the total assessable cost of the original extension.
 - (d) When a customer connects to a main installed at utility expense within 10 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under (1).

5.04 **Interceptor Sanitary Sewer Assessment.**

- (1) The Village Board has determined that it shall be necessary to construct interceptor sanitary sewer lines to serve undeveloped lands lying within the Village where no previous use has been made of sanitary sewers.
- (2) For the purpose of recovering the cost of constructing said interceptors, there shall be an interceptor sanitary sewer assessment which shall be paid by the applicant to the Village Administrator at the time an application is filed for a building permit to construct any building upon any land not served by sanitary sewer as of June 1, 1981.
- (3) For assessment purposes, applicants are classified into two general groups as follows:
 - (a) residential applicants; and
 - (b) commercial and industrial applicants.
- (4) A residential applicant shall pay an assessment based on the number of residential units contained within a building as follows:
 - (a) 1 through 4 units - \$400.00 for each unit.
 - (b) 5 through 10 units - \$1,600.00 for the first four units and \$200.00 for each additional unit.
 - (c) 11 or more units - \$2,800.00 for the first 10 units and \$100.00 for each additional unit.

A "residential unit" means a building or portion thereof which is designed for and intended to be used as a home, residence, or sleeping place by an individual, or by two or more individuals maintaining a common household, to the exclusion of all others.

- (5) A commercial or industrial applicant shall pay an assessment determined on the basis of the estimated volume of waste using the sum of \$400.00 as the base charge.
- (6) No building permit shall be issued unless the assessment required by this section has been paid.

5.05 **Fluoridation of Water Supply.** The water supply shall introduce approximately 1 to 1.5 parts of fluoride to every million parts of water being distributed in the Village water supply system.

5.06 **Municipal Contracts for Public Works.**

- (1) The letting of Village contracts shall be made pursuant to the provisions of § 62.15, Wis. Stats.
- (2) All or any part of public work in any of the following classes may be done by the Village directly and without submitting the same for bids:
 - (a) Work in maintaining, repairing, or improving the existing sewer plant or system of the Village.
 - (b) Work in maintaining, repairing, and improving the existing water plant or system of the Village.
 - (c) Work in extending or adding to the present sewer plant or system of the Village.
 - (d) Work in extending or adding to the present water plant or system in the Village.
- (3) The Village, when directly performing public work in the classes above enumerated, shall have the right to purchase all necessary materials and supplies, hire labor and machines, and incur any other expense necessary to perform and complete the work.
- (4) The Village Board shall by resolution specifically designate when and what public work within the above classes shall be done directly by the Village without submitting the same for bids.
- (5) The Village hereby delegates to the Village Administrator of the Village of Poynette the authority and duty to direct and supervise any such work authorized by the Village Board.
- (6) An accurate account shall be kept by the Village Administrator of any work done pursuant to subsection (2), including the necessary overhead expense. Upon the completion of any such authorized work, the Village Administrator shall make a complete report to the Village Board stating in detail the items of cost and the total cost of doing such work, and such report shall be published by the Village Administrator, as part of the proceedings of the Village Board meeting at which such report is submitted.

5.07 **Street Openings for Installation of Plumbing.**

- (1) Street Openings.

- (a) No openings in the streets, alleys, or other public ways for installation of plumbing will be permitted when the ground is frozen, except when absolutely necessary. In opening any street or public way, all materials for paving or ballasting shall be removed so as to cause the least possible injury or loss, and together with the excavated materials from the trenches shall be placed where the least practicable inconvenience to the public will be caused, and admit free passage of water along the gutters or sides of the roadways.
- (b) All openings made in the public streets or alleys shall be enclosed with sufficient barriers, and red lamps shall be maintained upon the same at night, and all other necessary precautions to guard the public effectually against all accidents from the beginning to the completion of the work shall be taken. Sewers and drains may be laid only on condition that the excavator or plumber is bonded as provided in Title II, Chapter 3.04(2) of this Code for all damages that may result from his neglect of any necessary precaution against all accidents to persons or property of others.
- (c) In opening a trench on any street or lot, the sidewalk materials, sand, gravel and earth, or whatever material is removed or penetrated, must be replaced in precisely the same condition and relation to the remainder as it was before. All rubbish must be removed at once, leaving the street, or sidewalk in perfect repair, and must be so maintained for a period of one year thereafter. All gas, water, and electric lines or conduits must be protected from injury or settling in a manner satisfactory to the plumbing supervisor and inspector.
- (d) When any excavation is made in a permanently paved road or street, or in any road or street which is to be permanently paved, all clay or hard pan must be removed and the excavation entirely back filled with sand or gravel, thoroughly wet and consolidated. Any tunnel dug in such road or street shall be back filled with concrete subject to the approval of the plumbing supervisor and inspector.

5.08 User Charge; Use of Sewer Utility by Haulers of Septic Tank Wastes.

- (1) Commercial haulers of waste materials pumped from septic or holding tanks may deposit such materials in the sewage system owned by the Village after obtaining a permit from the Village Administrator for each such deposit and upon paying the user charge.
- (2) Each permit issued by the Village Administrator shall contain the name and address of the person to whom the permit is issued, the date of issuance,

the estimated volume of waste to be deposited, and the estimated user charge which shall be paid at the time the permit is issued.

- (3) The base user charge shall be \$25.00 for each deposit of waste materials not exceeding 1,500 gallons. The user charge for any deposit of waste materials in excess of 1,500 gallons shall be the base user charge plus \$.16 per gallon for each gallon in excess of 1,500 gallons.
- (4) All waste material deposited in the sewage system pursuant to this section shall be deposited in the manhole on Northern Court.
- (5) Each person who obtains a permit to deposit waste materials in the sewage system shall record, on the permit, the actual volume of materials so deposited and shall immediately pay to the Village Administrator any actual user charge in excess of the estimated charge or apply for a refund in the event the actual user charge is less than the estimated charge.

5.09 **Abandonment of Wells.**

- (1) Authority. This Ordinance is adopted under the authority of Chapter NR811, WI Admin. Code which directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe, or noncomplying wells located on the premises served by their systems to prevent such wells from acting as channels for contamination or vertical movement of water and to eliminate all existing cross-connections and prevent all future cross-connections
- (2) Applicability. This Ordinance applies to all wells located on premises served by Village of Poynette Municipal Water System.
- (3) Definitions.
 - (a) “Noncomplying” means a well or pump installation, which does not comply with the provisions of Ch. NR 812, WI Admin. 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.
 - (b) “Pump Installation” means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapter, pressure tanks, pits, sampling faucets, and well seals or caps.
 - (c) “Unsafe” means a well or pump installation, which produces water which is bacteriologically contaminated, or contaminated with

substances in excess of the standards of Chs. NR 809, WI Admin. Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

- (d) “Unused” means a well or pump installation that is not in use or does not have a functional pumping system.
 - (e) “Well” means an excavation or opening into the ground made by digging, boring, drilling, driving, or other method for the purpose of obtaining groundwater for consumption or other use.
 - (f) “Well Abandonment” means the filling and sealing of a well according to the provisions of CH. NR 811, WI Admin Code.
- (4) Abandonment Required. All wells located on premises served by the Municipal Water System shall be abandoned in accordance with the terms of this Ordinance and Ch. NR 811, WI Admin. Code, by December 31, 1992 or no later than one year from the date of connection to the municipal water system, whichever occurs last unless a well operation permit has been obtained by the well owner from the Village Administrator.
- (5) Well Operation Permit. The Village Administrator may grant a permit to a private well owner to operate a well for a period not to exceed five years providing the conditions of this subsection are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this subsection are met. The Village employee in charge of the Municipal Water System may conduct inspection or have water quality test conducted at the applicant’s expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Village Administrator. The following conditions must be met for issuance or renewal of a well operation permit:
- (a) The well and Pump installation meet or are upgraded to meet the requirements of Ch. NR 812, WI Admin. Code,
 - (b) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two samplings taken a minimum of two weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well,
 - (c) There are no cross-connections between the well and pump installation, and the municipal water system, and

- (d) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.
- (6) Abandonment Procedures.
- (a) All wells abandoned under the jurisdiction of this Ordinance shall be abandoned according to the procedures and methods of Ch. 811 NR, WI Admin. Code. All debris, pump, piping, unsealed liners, and any other obstructions, which may interfere with sealing operations, shall be removed prior to abandonment.
 - (b) The owner of the well, or the owner's agent, shall notify the Village Administrator at least 48 hours prior to commencement of any well abandonment activities.
 - (c) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Village Administrator and the Department of Natural Resources within 10 days of the completion of the well.
- (7) Penalties. Any well owner violating any provision of this Ordinance shall upon conviction forfeit not less than \$10.00 nor more than \$50.00, together with the costs of prosecution. Each day of violation is a separate offense. If any person fails to comply with this Ordinance for more than 10 days after receiving written notice of the violation, the municipality may, in addition to imposing the penalties provided herein, cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

APPENDIX C

PSC Authorized Rates and Rules

POYNETTE MUNICIPAL WATER UTILITY

Authorized Water Rates and Rules

Public Fire Protection Service - - - F-1

Public fire protection service includes the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.

Under Wis. Stat. § 196.03(3)(b), the municipality has chosen to have the utility bill the retail general service customers for public fire protection service.

Quarterly Public Fire Protection Service Charges:

\$.0101 per square foot of improvement

This rate is based on total square feet of improvement of 3,047,100 and a total annual public fire protection charge of \$123,103. The total square feet of improvements include both taxable and tax-exempt properties. All charges will be based on actual square footage of improvements, but subject to a minimum of 2,050 square feet.

Customers who are provided service under Schedules Mg-1, Ug-1, or Sg-1 shall also be subject to the charges in this schedule.

Under Wis. Stat. § 196.03(3)(b), the Village of Poynette has elected to make the charges in this schedule applicable to non-general service customers who own property that is located both within the municipal limits and in an area where the utility has an obligation to provide water for public fire protection. Each property shall be billed based on actual square footage of improvements, but subject to a minimum of 2,050 square feet.

Billing: Same as Schedule Mg-1.

Public Fire Protection Service - - - Fd-1

Delete.

Private Fire Protection Service - Unmetered - - - Upf-1

This service shall consist of permanent or continuous unmetered connections to the main for the purpose of supplying water to private fire protection systems such as automatic sprinkler systems, standpipes, and private hydrants. This service shall also include reasonable quantities of water used for testing check valves and other backflow prevention devices.

Quarterly Private Fire Protection Service Demand Charges:

2 - inch or smaller connection - \$	30.00
3 - inch connection - \$	60.00
4 - inch connection - \$	100.00
6 - inch connection - \$	156.00
8 - inch connection - \$	246.00
10 - inch connection - \$	369.00
12 - inch connection - \$	540.00

Billing: Same as Schedule Mg-1.

General Service - Metered - - - Mg-1

Quarterly Service Charges (all customer classes):

$\frac{5}{8}$ -inch meter - \$	18.00	3 -inch meter - \$	84.00
$\frac{3}{4}$ -inch meter - \$	18.00	4 -inch meter - \$	120.00
1 -inch meter - \$	24.00	6 -inch meter - \$	186.00
1 $\frac{1}{4}$ -inch meter - \$	30.00	8 -inch meter - \$	250.00
1 $\frac{1}{2}$ -inch meter - \$	39.00	10 -inch meter - \$	324.00
2 -inch meter - \$	51.00	12 -inch meter - \$	417.00

Plus Volume Charges:

Residential Customers:

All water used per quarter - \$4.60 per 1,000 gallons

Non-Residential Customers:

First	20,000	gallons used quarterly - \$4.60 per 1,000 gallons
Next	180,000	gallons used quarterly - \$4.00 per 1,000 gallons
Next	100,000	gallons used quarterly - \$3.50 per 1,000 gallons
Over	300,000	gallons used quarterly - \$2.80 per 1,000 gallons

Residential Class includes customers who have water service provided for residential or domestic purposes.

Nonresidential Class includes commercial, industrial, and public authority customers. Commercial customers include business entities and institutions, except governmental entities, that provide goods or services. Churches and parochial schools are not governmental and are classified as commercial. Industrial customers include customers who are engaged in the manufacture or production of goods. Public Authority customers include any department, agency, or entity of local, state, or federal government, including public schools, colleges, and universities.

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

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

Other Charges - - - OC-1

Non-Sufficient Funds Charge: The utility shall assess a \$30.00 charge when a payment rendered for utility service is returned for non-sufficient funds. This charge may not be in addition to, but may be inclusive of, other non-sufficient funds charges when the payment was for multiple services.

Special Billing Charge: The utility shall assess a \$10.00 charge to the requestor to cover administrative expenses whenever an existing customer or the property owner requests a special billing outside of the normal utility billing. This charge may not be assessed to a new customer.

Special Meter Reading Charge: The utility shall assess a \$25.00 charge to the requestor whenever an existing customer or the property owner requests a special meter reading by utility personnel on a date other than the regularly scheduled meter reading. This charge may not be assessed if the customer or the property owner provides the meter reading. This charge may not be assessed to a new customer.

Missed Appointment Charge: The utility shall assess a missed appointment charge if a customer schedules an appointment with utility personnel at the customer’s location and, without providing reasonable cancellation notice to the utility, fails to be present. The utility may not charge for the first missed appointment during normal business hours but may apply the charge to subsequent missed appointments. The utility shall apply the charge for the first missed appointment after normal business hours.

During normal business hours:	\$25.00
After normal business hours:	\$75.00

Billing: Same as Schedule Mg-1.

Public Service - - - Mpa-1

Metered Service

Water used by the Village of Poynette on an intermittent basis for flushing sewers, street washing, flooding skating rinks, drinking fountains, etc., shall be metered and billed according to the rates set forth in Schedule Mg-1 for nonresidential customers.

Unmetered Service

Where it is impossible to meter the service, the utility shall estimate the volume of water used based on the pressure, size of opening, and the period of time the water is used. The estimated quantity shall be billed at the volumetric rates set forth in Schedule Mg-1 for nonresidential customers, excluding any service charges.

Billing: Same as Schedule Mg-1.

General Water Service - Unmetered - - - Ug-1

Service may be supplied temporarily on an unmetered basis where the utility cannot immediately install a water meter, including water used for construction. Unmetered service shall be billed the amount that would be charged to a metered residential customer using 11,000 gallons of water per quarter under Schedule Mg-1, including the service charge for a 5/8-inch meter. If the utility determines that actual usage exceeds 11,000 gallons of water per quarter, an additional charge for the estimated excess usage shall be made according to the rates under Schedule Mg-1.

This schedule applies only to customers with a 1-inch or smaller service connection. For customers with a larger service connection, the utility shall install a temporary meter and charges shall be based on the rates set forth under Schedule Mg-1.

Billing: Same as Schedule Mg-1.

Seasonal, Emergency, or Temporary Service - - - Mgt-1

Delete.

Seasonal Service - - - Sg-1

Seasonal customers are general service customers who voluntarily request disconnection of water service and who resume service at the same location within 12 months of the disconnection, unless service has been provided to another customer at that location in the intervening period. The utility shall bill seasonal customers the applicable service charges under Schedule Mg-1 year-round, including the period of temporary disconnection.

Seasonal service shall include customers taking service under Schedule Mg-1 or Schedule Ug-1.

Upon reconnection, the utility shall apply a charge under Schedule R-1 and require payment of any unpaid charges under this schedule.

Billing: Same as Schedule Mg-1, unless the utility and customer agree to an alternative payment schedule for the period of voluntary disconnection.

Building and Construction Water Service - - - Mz-1

Delete.

Bulk Water - - - BW-1

All bulk water supplied from the water system through hydrants or other connections shall be metered or estimated by the utility. Utility personnel or a party approved by the utility shall supervise the delivery of water.

Bulk water sales are:

- A. Water supplied by tank trucks or from hydrants for the purpose of extinguishing fires outside the utility's service area;
- B. Water supplied by tank trucks or from hydrants for purposes other than extinguishing fires, such as water used for irrigation or filling swimming pools; or,
- C. Water supplied from hydrants or other temporary connections for general service type applications, except that Schedule Ug-1 applies for water supplied for construction purposes.

A service charge of \$30.00 and a charge for the volume of water used shall be billed to the party using the water. The volumetric charge shall be calculated using the highest volumetric rate for residential customers under Schedule Mg-1. In addition, for meters that are assigned to bulk water customers for more than 7 days, the applicable service charge in Schedule Mg-1 will apply after the first 7 days.

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

Billing: Same as Schedule Mg-1.

Reconnection Charges - - - R-1

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

During normal business hours:	\$30.00
After normal business hours:	\$75.00

Billing: Same as Schedule Mg-1.

Water Lateral Installation Charge - - - Cz-1

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

Billing: Same as Schedule Mg-1.

Rules and Regulations - - - X-1

Delete Schedule X-1. Incorporate the operating rules for municipal water utilities as provided by the Public Service Commission.

Water Main Extension Rule - - - X-2

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

- A. Where the cost of the extension is to immediately be collected through assessment by the municipality against the abutting property, the procedure set forth under Wis. Stat. § 66.0703 will apply, and no additional customer contribution to the utility will be required.
- B. Where the municipality is unwilling or unable to make 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 paragraph A.
 - 2. Part of the contribution required in paragraph B.1. will be refundable. When additional customers are connected to the extended main within 10 years of the date of completion, contributions in aid of construction will be collected equal to the amount which would have been assessed under paragraph A. for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under paragraph A., nor will it exceed the total assessable cost of the original extension.
- C. When a customer connects to a transmission main or connecting loop installed at utility expense within 10 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under paragraph A.

Water Main Installations in Platted Subdivisions - - - X-3

Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the utility.

If the developer, or a contractor employed by the developer, is to install the water mains (with the approval of the utility), the developer shall be responsible for the total cost of construction.

If the utility or its contractor is to install the water mains, the developer shall be required to advance to the utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within 30 days. If final costs are less than estimated, a refund of the overpayment will be made by the water utility.